

<b>Pages</b>	<b>Journal</b>	<b>Pages</b>	<b>Journal</b>	<b>Pages</b>	<b>Journal</b>
1-86	<a href="#">Day 01 - 01/06/10</a>	87-99	<a href="#">Day 02 - 01/11/10</a>	100-106	<a href="#">Day 03 - 01/12/10</a>
107-118	<a href="#">Day 04 - 01/13/10</a>	119-123	<a href="#">Day 05 - 01/14/10</a>	124-134	<a href="#">Day 06 - 01/19/10</a>
135-153	<a href="#">Day 07 - 01/20/10</a>	154-160	<a href="#">Day 08 - 01/21/10</a>	161-167	<a href="#">Day 09 - 01/25/10</a>
168-170	<a href="#">Day 10 - 01/26/10</a>	171-176	<a href="#">Day 11 - 01/27/10</a>	177-185	<a href="#">Day 12 - 01/28/10</a>
186-193	<a href="#">Day 13 - 02/01/10</a>	194-200	<a href="#">Day 14 - 02/02/10</a>	201-220	<a href="#">Day 15 - 02/03/10</a>
221-232	<a href="#">Day 16 - 02/04/10</a>	233-251	<a href="#">Day 17 - 02/08/10</a>	252-264	<a href="#">Day 18 - 02/09/10</a>
265-307	<a href="#">Day 19 - 02/10/10</a>	308-319	<a href="#">Day 20 - 02/11/10</a>	320-328	<a href="#">Day 21 - 02/15/10</a>
329-346	<a href="#">Day 22 - 02/16/10</a>	347-358	<a href="#">Day 23 - 02/17/10</a>	359-377	<a href="#">Day 24 - 02/18/10</a>
378-390	<a href="#">Day 25 - 02/22/10</a>	391-403	<a href="#">Day 26 - 02/23/10</a>	404-425	<a href="#">Day 27 - 02/24/10</a>
426-450	<a href="#">Day 28 - 02/25/10</a>	451-479	<a href="#">Day 29 - 03/01/10</a>	480-488	<a href="#">Day 30 - 03/02/10</a>
489-505	<a href="#">Day 31 - 03/03/10</a>	506-528	<a href="#">Day 32 - 03/04/10</a>	529-533	<a href="#">Day 33 - 03/09/10</a>
534-551	<a href="#">Day 34 - 03/15/10</a>	552-573	<a href="#">Day 35 - 03/16/10</a>	574-587	<a href="#">Day 36 - 03/17/10</a>
588-606	<a href="#">Day 37 - 03/18/10</a>	607-624	<a href="#">Day 38 - 03/22/10</a>	625-634	<a href="#">Day 39 - 03/23/10</a>
635-646	<a href="#">Day 40 - 03/24/10</a>	647-665	<a href="#">Day 41 - 03/25/10</a>	666-673	<a href="#">Day 42 - 03/26/10</a>
674-690	<a href="#">Day 43 - 03/29/10</a>	691-708	<a href="#">Day 44 - 03/30/10</a>	709-738	<a href="#">Day 45 - 03/31/10</a>
739-751	<a href="#">Day 46 - 04/01/10</a>	752-772	<a href="#">Day 47 - 04/06/10</a>	773-795	<a href="#">Day 48 - 04/07/10</a>
796-817	<a href="#">Day 49 - 04/08/10</a>	818-832	<a href="#">Day 50 - 04/12/10</a>	833-856	<a href="#">Day 51 - 04/13/10</a>
857-879	<a href="#">Day 52 - 04/14/10</a>	880-899	<a href="#">Day 53 - 04/15/10</a>	900-916	<a href="#">Day 54 - 04/19/10</a>
917-936	<a href="#">Day 55 - 04/20/10</a>	937-949	<a href="#">Day 56 - 04/21/10</a>	950-969	<a href="#">Day 57 - 04/22/10</a>
970-1012	<a href="#">Day 58 - 04/26/10</a>	1013-1069	<a href="#">Day 59 - 04/27/10</a>	1070-1135	<a href="#">Day 60 - 04/28/10</a>
1136-1152	<a href="#">Day 61 - 04/29/10</a>	1153-1224	<a href="#">Day 62 - 05/03/10</a>	1225-1320	<a href="#">Day 63 - 05/04/10</a>
1321-1372	<a href="#">Day 64 - 05/05/10</a>	1373-1402	<a href="#">Day 65 - 05/06/10</a>	1403-1433	<a href="#">Day 66 - 05/10/10</a>
1434-1485	<a href="#">Day 67 - 05/11/10</a>	1486-1694	<a href="#">Day 68 - 05/12/10</a>	1695-1910	<a href="#">Day 69 - 05/13/10</a>
1911-1948	<a href="#">Day 70 - 05/14/10</a>	1949-1952	<a href="#">Day 71 - 05/25/10</a>		

### Special Session

1-5	<a href="#">Day 01 - 06/24/10</a>	6	<a href="#">Day 02 - 06/25/10</a>	7-9	<a href="#">Day 03 - 06/29/10</a>
10-11	<a href="#">Day 04 - 06/30/10</a>	12-18	<a href="#">Day 05 - 07/01/10</a>	19-20	<a href="#">Day 06 - 07/08/10</a>
21-35	<a href="#">Day 07 - 07/13/10</a>	36-39	<a href="#">Day 08 - 07/14/10</a>		

### Veto Session

1-7	<a href="#">Day 01 - 09/15/10</a>
-----	-----------------------------------

**JOURNAL OF THE SENATE**  
**NINETY-FIFTH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF MISSOURI**  
**SECOND REGULAR SESSION**

---

**FIRST DAY—WEDNESDAY, JANUARY 6, 2010**

---

The Senate was called to order at 12:00 noon by Lieutenant Governor Peter Kinder.

The Reverend Carl Gauck offered the following prayer:

“God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?” (Benjamin Franklin)

Almighty God, we begin in many ways anew and for that we are grateful. We face a new year that promises even more difficult decisions to be made and our decisions will have even greater impact on the people we serve. So clear our minds of what we have always done and help us to see new and better ways to approach problems so they may open up new pathways and opportunities for us. We need Your guidance so our minds and our hearts are one and our efforts follow where You would have us go. We ask that You be with Senator Shoemyer and his family during their time of grief at the death of his sister Cyola. Grant them Your comfort and grace and be an ever present help, O Lord. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Engler announced that photographers from KOMU-TV8, the Missourian, the Missouri Digital News and the Jefferson City News Tribune had been given permission to take pictures in the Senate Chamber and the Senate photographer had been given permission to take video and use flash in the Senate Chamber and the Senate Gallery today.

**MESSAGES FROM THE  
SECRETARY OF STATE**

The President laid before the Senate the following communications from the Secretary of State, which were read:

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler  
Jefferson City, MO

Madam:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 4<sup>th</sup> Senatorial District in the State of Missouri, on the 3<sup>rd</sup> day of November, 2009, as provided by law, the following named person was elected to the office of State Senator, 4<sup>th</sup> Senatorial District as shown by the election results certified to this office by the election authority of the 4<sup>th</sup> Senatorial District.

**Name**

Joe Keaveny  
6219 Westminster Place  
St. Louis, MO 63130

**Office**

State Senate  
4<sup>th</sup> Senatorial District

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 10<sup>th</sup> day of November, 2009.

(Seal)

/s/ Robin Carnahan

Secretary of State

Also,

**To the Honorable Senate of the 95th General Assembly, Second Regular Session, of the State of Missouri:**

**In compliance with Section 115.525, Revised Statutes of Missouri, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 95th General Assembly (Second Regular Session) of the State of Missouri, elected at the November 7, 2006 General Election, the November 4, 2008 General Election and the November 3, 2009 Special Election.**

**IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 6<sup>th</sup> day of January, 2010.**

(Seal)

/s/ ROBIN CARNAHAN

SECRETARY OF STATE

**MISSOURI STATE SENATORS**

**Elected November 7, 2006**

District	Name
2nd	Scott T. Rupp
*4th	Joseph Keaveny
6th	Carl M. Vogel
8th	Matt Bartle
10th	Jolie L. Justus
12th	Brad Lager
14th	Rita H. Days
16th	Frank A. Barnitz
18th	Wes Shoemyer
20th	Dan Clemens
22nd	Ryan McKenna
24th	Joan Bray
26th	John Griesheimer
28th	Delbert L. Scott
30th	Norma Champion
32nd	Gary Nodler
34th	Charlie Shields

\*Elected at Special Election held November 3, 2009

**MISSOURI STATE SENATORS**

**Elected November 4, 2008**

District	Name
1st	Jim Lembke
3rd	Kevin Engler
5th	Robin Wright-Jones
7th	Jane Cunningham

<b>9th</b>	<b>Yvonne S. Wilson</b>
<b>11th</b>	<b>Victor Callahan</b>
<b>13th</b>	<b>Timothy P. Green</b>
<b>15th</b>	<b>Eric Schmitt</b>
<b>17th</b>	<b>Luann Ridgeway</b>
<b>19th</b>	<b>Kurt Schaefer</b>
<b>21st</b>	<b>Bill Stouffer</b>
<b>23rd</b>	<b>Tom Dempsey</b>
<b>25th</b>	<b>Robert (Rob) Mayer</b>
<b>27th</b>	<b>Jason Glennon Crowell</b>
<b>29th</b>	<b>Jack Goodman</b>
<b>31st</b>	<b>David Pearce</b>
<b>33rd</b>	<b>Chuck Purgason</b>

On roll call the following Senators were present:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The President declared the Second Regular Session of the 95th General Assembly convened.

## **RESOLUTIONS**

Senator Engler offered the following resolution, which was read and adopted:

### **SENATE RESOLUTION NO. 1323**

BE IT RESOLVED, by the Senate of the Ninety-fifth General Assembly of Missouri, Second Regular Session, that the rules adopted by the Ninety-fifth General Assembly of the State of Missouri, First Regular Session, as amended, insofar as they are applicable, be adopted as the rules for the control of the deliberations of the Senate of the Ninety-fifth General Assembly, Second Regular Session.

Senator Engler offered the following resolution, which was read and adopted:

### **SENATE RESOLUTION NO. 1324**

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the Second Regular Session of the Ninety-fifth General Assembly is duly convened and is now in session and ready for consideration of business.

President Pro Tem Shields assumed the dais and delivered the following address:

**Opening Address**

**Senator Charlie Shields, President Pro Tem**  
**Second Regular Session, 95<sup>th</sup> General Assembly**  
**January 6, 2010**

Lt. Governor Kinder, members of the Missouri Senate, our families, friends, and people of Missouri:

On this day just a year ago, I was honored to be elected by you as president pro tem of this great legislative body. Today, I continue to be honored and grateful for the trust you have placed in me. For me and nine others, this day represents the last opening day where we will sit as members of the Missouri Senate.

For those of us who are leaving, it would be easy to use the next four and a half months to reflect on our legislative careers and accept all the appreciation and congratulations that come when one ends a career. And while that would be the easy thing to do, it would not be the right thing to do.

Our state is facing serious challenges: the second budget year in a row where we are working with less revenue than the year before, we need to get Missourians back to work in lasting and growing industries that pay well and offer benefits, and we must restore confidence in our elected officials with ethics reforms. We need all 34 Missouri Senators working together to meet these challenges.

As we have recognized those of us who are entering our twilight, I extend a warm welcome to our newest member – the senator from the 4<sup>th</sup>.

Senator, you now join a select few in your new journey as a state senator. We support you as you work to rebuild the faith the people of the Fourth District may have lost in our democratic process and elected leaders.

The career-ending mistakes made by three elected officials last year remind us we are all human, and therefore fallible. We are a body of everyday people chosen by the public. And as humans, mistakes are unavoidable. But we must strive for higher ethics standards, because ethics violations are unacceptable. They are unacceptable legally, morally and, most of all, because they can destroy the public's trust in our democratic process. And without their trust, democracy fails. All of us who hold the public's trust must address this issue this year.

That is why I have proposed that we once and for all put an end to even the appearance of pay-to-play politics. We must find a way to ban contributions from lobbyists during session as we tried several years ago. We must finally give teeth to the state's Ethics Commission by creating the role of an independent investigator and we must hold our staff to the same levels of accountability that we hold ourselves.

These are my ideas, but there are many more that have already been introduced. I welcome your input and seek help from all of you in this effort.

Our toughest challenge this year will be the budget. To date, our state's revenue is down by 10.6 percent, while it is estimated at the end of the fiscal year we will only be down by 6.4 percent or more than \$1 billion. It has also been forecast that growth will be below average in Fiscal Year 2011.

The good news is that last year we were prudent and reserved more than half – or \$1 Billion - of the state's federal stabilization money to use in the upcoming budget. But those dollars will run out.

We will have to make tough decisions to fund our priorities without a tax increase. And hear me, we will not raise taxes.

We are facing an on-going budget crisis and to succeed, we must have a governor who will do his job and present a balanced budget that is not short-sighted. Last fall, I asked Governor Nixon to join us in beginning an extended budget planning cycle. While state budgeting is done yearly, it is of the utmost importance that every budget decision be made with the consideration of its impact on future years in mind. We must not be short-sighted. Cooperation is the key to providing necessary governmental services in a way taxpayers can afford.

The solution to our budget situation is to put people back to work in good-paying jobs with benefits. Our state's revenue is reliant on people working and participating in our economy.

We must focus on creating jobs to improve the economy and help Missouri families thrive. We must give the new Economic Development Director David Kerr the tools he needs to succeed in growing Missouri businesses and getting new businesses to relocate here. We must examine all ideas, including closing funds, innovative tax structures, and incentives for small businesses to keep and recruit better paying jobs with benefits.

Plus, we must recognize that the best economic development tool is an educated workforce. We must provide top-notch educational opportunities to our citizens – along the entire education spectrum.

Last year, Missouri's highest court recognized that we are giving our children, no matter where they live, an equal opportunity for a great education based on the funding formula we passed in 2005. The Supreme Court found that the formula, which is based on students' needs rather than local wealth, has a rational basis.

Since we created and passed the new formula, we have been dedicated to fully funding it. In the four years of the phase-in, we have increased K-12 funding by nearly \$450 million without a tax increase. This year, we must continue that commitment and make education a top budget priority.

We must also work to make sure that more of our students have an educational experience past high school. We must build on the programs we have passed to continue to make college affordable to as many Missouri students as possible. We must support new, innovative and specialized programs that prepare our students to compete for quality jobs. And we must think outside the box for ways to help adults find their way back to the classroom for retraining.

In 1992, the voters of our state passed term limits for legislators, no more than 8 years in the House and 8 years in the Senate. Almost since the passage of that amendment, observers of state government have argued whether term limits are good or bad for our citizens and our state. Supporters argue term limits end the days of back room deals and cronyism while those against term limits say too much power and decision-making is shifted to staff and lobbyists.

I believe these are interesting arguments for political scientists, but unproductive arguments for those charged with making public policy. What I am proposing today is that we change the discussion from the merits versus frustrations of term limits to a discussion of how to make government work best for Missourians in a term-limited environment. Simply put, our terms may be limited to 8 years, but the way we think about our vision for Missouri's future should never be limited.

Last year when I spoke to you, I talked about how our state government is a \$23 billion organization operating without a long-term strategic plan. I challenged us to shift our way of governing from being reactionary and year-to-year to a way with vision and purpose. You answered that challenge and we created three committees designed to craft a vision of the kind of state Missouri can be in the year 2020 and the plan to get there.

I commend the work of our first-term members who serve on these committees and their chairmen – the senator from the 15<sup>th</sup>, the junior senator from St. Charles and the senator from Johnson County. To date, these committees have reviewed our current operations in the areas of job creation, healthcare and education; invited the public and gained their input in determining what our future goals should be; and have begun the arduous task of creating a long-term strategy for how we will get there.

This legislative session, I will propose legislation to make long-term planning a permanent part of the legislative process. We must always be thinking about the future for a better Missouri and have a plan on how we get there. We need a three-year plan, a five-year plan and, more importantly, a ten-year plan that will transcend our term limits.

Ten of us leave this year. The same will be true two years from now and this revolving door will continue to spin. Some have said term limits have given us a Senate with four years of "I don't know" followed by four years of "I don't care." I propose the new view is eight years of long-term solutions for our future, so that we may all work to create a better Missouri for generations to come.

As I end today's remarks, a quote from Woodrow Wilson comes to mind...

"You are not here merely to make a living. You are here in order to enable the world to live more amply, with greater vision, with a finer spirit of hope and achievement. You are here to enrich the world, and you impoverish yourself if you forget the errand."

As Wilson said, let's get to work.

Thank you.

President Kinder assumed the Chair.

In accordance with Section 9.141, RSMo, the Bill of Rights was read.

Senator Bartle assumed the Chair.

## **RESOLUTIONS**

Senator Dempsey, joined by the entire membership, offered the following resolution, which was adopted:

### **SENATE RESOLUTION NO. 1325**

Whereas, the members of the Missouri Senate feel it is altogether right and proper to pause from time to time to observe milestone events in the lives of outstanding Missouri citizens, particularly momentous occasions in the lives of those individuals who have devoted their professional lives to public service; and

Whereas, the members now pause to recognize Patricia L. Buxton of Jefferson City, Missouri, who retired from her position as the Revisor of Statutes for the Missouri General Assembly on December 31, 2009, after an illustrious thirty-two-year career; and

Whereas, respected and admired by her peers and colleagues, Patricia Buxton has an abiding love for the law and believes that the law should be in the hands of the people, a commitment she has proven time and again during her distinguished legal career with her attention to detail and willingness to share her legal knowledge and expertise with all who requested her opinion; and

Whereas, a native of Springfield, Missouri, Patricia Buxton was admitted as an undergraduate to Northwestern University at the delicate age of sixteen years; and

Whereas, Patricia Buxton graduated from the University of Missouri School of Law in 1959, along with Missouri Governor Mel Carnahan, Lieutenant Governor William C. Phelps, and Bob Griffin, the longest-serving Speaker of the Missouri House of Representatives; and

Whereas, Patricia Buxton and her husband, the late Jerry Buxton, were the first married couple to graduate together from the University of Missouri School of Law; and

Whereas, Patricia Buxton began working for the State of Missouri in 1977 as the Assistant Revisor of Statutes after years of private practice; and

Whereas, Patricia Buxton was named the Revisor of Statutes in September 2002, and she is the first and only woman to hold that position; and

Whereas, Patricia Buxton served as the Missouri Legislative Staff Representative for the National Conference of Commissioners on Uniform State Laws; and

Whereas, Patricia Buxton was sworn before the bar of the United States Supreme Court, qualifying her to argue before the highest court in the land; and

Whereas, Patricia Buxton is an avid fan of her beloved football and basketball Missouri Tigers, a devotion made apparent by the MU memorabilia that lined the walls and shelves of her Capitol office and by the players' names she chose to give to her pet cats; and

Whereas, Patricia Buxton is the devoted mother of Malcolm Buxton and Mark and Kimberly Buxton and the doting grandmother of Lily Buxton; and

Whereas, it is an honor and a pleasure for the members of the Missouri Senate to recognize exemplary Missouri citizens like Patricia Buxton:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fifth General Assembly, extend our most sincere gratitude to Patricia Buxton on this illustrious occasion, with our very best wishes for continued success and happiness; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Patricia Buxton as a measure of our affection and of our esteem.

Senator Engler offered Senate Resolution No. 1326, regarding Richard Middleton, Leadwood, which was adopted.

Senator Mayer offered Senate Resolution No. 1327, regarding Betty Lemons, which was adopted.

On motion of Senator Engler, the Senate recessed until 1:30 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Shields.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

December 17, 2009, while the Senate was not in session.

Kathy W. Achelpohl, 431 West 67<sup>th</sup> Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending September 30, 2012 and until her successor is duly appointed and qualified; vice, Kathleen Warman, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2009, while the Senate was not in session.

Abiodun A. Adewale, 8286 Tulane Avenue, University City, Saint Louis County, Missouri 63132, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending September 30, 2013 and until his successor is duly appointed and qualified; vice, Promod Kumar, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 28, 2009, while the Senate was not in session.

Kathleen Alexander, 899 Rohrer Road, Bourbon, Crawford County, Missouri 65441, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2011, and until her successor is duly appointed and qualified; vice, RSMo. 208.856.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Gregory B. Allen, 3732 Belleview, Kansas City, Jackson County, Missouri 64111, as a member of the State Historical Records Advisory



Board, for a term ending November 01, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 2, 2009, while the Senate was not in session.

Jack D. Atterberry, 1632 Paddlewheel Court, Jefferson City, Cole County, Missouri 65109, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice Jack D. Atterberry, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Raymond Bailey, 3 Westford Court, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Seismic Safety Commission, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, Kenneth Berry, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 28, 2009, while the Senate was not in session.

Jack Baker, Democrat, Rural Route # 1 Box 259, Butler, Bates County, Missouri 64730, as a member of the Air Conservation Commission, for a term ending October 14, 2013, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Paula F. Baker, 502 Morgan Court, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2012, and until her successor is duly appointed and qualified; vice, Paula F. Baker, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Julie Ballard, 1927 Green Meadow Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Lisa G. Baron, 7929 Stanford Avenue, University City, Saint Louis County, Missouri 63130, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2009, while the Senate was not in session.

Alana M. Barragán-Scott, 5747 East Sing Drive, Columbia, Boone County, Missouri 65202, as Director of the Department of Revenue, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Eric Battle, 12110 Ladue Heights, Saint Louis, Saint Louis County, Missouri 63141, as a member of the Children's Trust Fund Board, for a term ending September 15, 2012, and until his successor is duly appointed and qualified; vice, Robert Marty, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 30, 2009, while the Senate was not in session.

Donald C. Bedell, Republican, 108 Summer Drive, Sikeston, Scott County, Missouri 63801, as a member of the Conservation Commission, for a term ending July 1, 2015, and until his successor is duly appointed and qualified; vice, Lowell Mohler, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2009, while the Senate was not in session.

Richard Bee, II, 6566 Millstone Road, Houston, Texas County, Missouri 65483, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2010, and until his successor is duly appointed and qualified; vice, Danny Joe Patterson, term

expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Angela Beshears, Republican, 15810 Oakmont Circle, Kearney, Clay County, Missouri 64060, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2013, and until her successor is duly appointed and qualified; vice, Jesse Camacho, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Susan E. Block, 7348 Kingsbury Boulevard, University City, Saint Louis County, Missouri 63130, as a member of the Children's Trust Fund Board, for a term ending September 15, 2009, and until her successor is duly appointed and qualified; vice, Kay Myers, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Susan E. Block, 7348 Kingsbury Boulevard, University City, Saint Louis County, Missouri 63130, as a member of the Children's Trust Fund Board, for a term ending September 15, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 28, 2009, while the Senate was not in session.

Donald Scott Bockenkamp, 507 Brim Street, DeSloge, Saint Francois County, Missouri 63601, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2010, and until his successor is duly appointed and qualified; vice, Randall Bruce Manning, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Jean-Paul Bovee, 9011 Washington Street, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010 and until his successor is duly appointed and qualified; vice, Christopher A. Norton, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 7, 2009, while the Senate was not in session.

David R. Bradley, Republican, #2 Country Club Road, St. Joseph, Andrew County, Missouri 64505, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2015, and until his successor is duly appointed and qualified; vice, Cheryl Walker, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 28, 2009, while the Senate was not in session.

Thomas Bradley, Democrat, 839 West County Highway 820, Sikeston, New Madrid County, Missouri 63801, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2012, and until his successor is duly appointed and qualified; vice, Baughn Merideth, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 28, 2009, while the Senate was not in session.

Alfred Brandt, Republican, 269 Swan Creek Lane, Linn, Osage County, Missouri 65051, as a member of the State Milk Board, for a term ending September 28, 2010, and until his successor is duly appointed and qualified; vice, James G. Wesselschmidt, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 28, 2009, while the Senate was not in session.

Michael Brewer, 4700 Clark Lane, #104, Columbia, Boone County, Missouri 65202, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, Terri Woodward, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Charles Broomfield, Democrat, 705 Northwest 44<sup>th</sup> Street, Kansas City, Clay County, Missouri 64116, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2013, and until his successor is duly appointed and qualified; vice, Judith Beer, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Sherry L. Buchanan, Democrat, 1916 East 35<sup>th</sup> Street, Joplin, Newton County, Missouri 64804, as a member of the Missouri Southern State University Board of Governors for a term ending August 30, 2014, and until her successor is duly appointed and qualified; vice, Douglas Davis, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

Mary L. Buren, 5520 Central, Kansas City, Jackson County, Missouri 64113, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Michelle Y. Cebulko, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 1, 2009, while the Senate was not in session.

Donna M. Bushur, 7444 Lydia Avenue, Kansas City, Jackson County, Missouri 64131, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Wayne Graves, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2009, while the Senate was not in session.

Mary Louise Bussabarger, 1914 Princeton Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2012, and until her successor is duly appointed and qualified; vice, Beth Viviano, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

James M. Caccamo, 6700 Linden Road, Kansas City, Jackson County, Missouri 64113, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor; vice, Theresa Mayberry-Dunn, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Cara Canon, 28663 Highway M, Sedalia, Pettis County, Missouri 65301, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice, Billy Meyer, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2009, while the Senate was not in session.



Gregory B. Canuteson, Democrat, 1410 Telford, Liberty, Clay County, Missouri 64068, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2013 and until his successor is duly appointed and qualified; vice, Ben Kessler, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 30, 2009, while the Senate was not in session.

Jeffrey Carter, Democrat, 5 Hortense Place, Saint Louis City, Missouri 63108, as a member of the State Board of Registration for the Healing Arts, for a term ending September 03, 2010, and until his successor is duly appointed and qualified; vice, James DiRenna, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2009, while the Senate was not in session.

Kathleen A. Carter, 160 Lakeview Court, Four Seasons, Camden County, Missouri 65049, as a member of the Mental Health Commission, for a term ending June 28, 2013, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Tiffany L. Carter, 818 Lee Drive, Jefferson City, Cole County, Missouri 65101, as the student representative to the Lincoln University Board of Curators for a term ending December 31, 2009, and until her successor is duly appointed and qualified; vice, Daniel S. Britts, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2009, while the Senate was not in session.

Jeffrey Cawlfeld, Democrat, 10901 Hanley Drive, Rolla, Phelps County, Missouri 65401, as a member of the Dam and Reservoir Safety Council, for a term ending April 03, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Robyn C. Chambers, 564 Eagles Nest Court, Ballwin, Saint Louis County, Missouri 63011, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2012, and until her successor is duly appointed and qualified; vice, Teresa McElyea, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

John Chapman, 1256 South Rock Hill Road, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice John Chapman, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2009, while the Senate was not in session.

Peggy Cochran, 29676 Rhodes Point Circle, Rocky Mount, Morgan County, Missouri 65072 as a member of the State Board of Mediation, for a term ending April 01, 2012 and until her successor is duly appointed and qualified; vice, RSMo 295.030.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Laura A. Confer, 1522 Creekstone Court, Fenton, Saint Louis County, Missouri 63026, as a student representative of the University of Missouri Board of Curators, for a term ending January 01, 2010 and until her successor is duly appointed and qualified; vice, Anton H. Luetkemeyer, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Don W. Cook, 677 Dougherty Terrace Drive, Manchester, Saint Louis County, Missouri 63021, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2013, and until his successor is duly appointed and qualified; vice, Clara Urhahn, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 13, 2009, while the Senate was not in session.

Donald Cupps, 1 Persimmon Hill Road, Cassville, Barry County, Missouri 65625, as a member of the Public School Retirement System of Missouri Board of Trustees, for a term ending June 30, 2013, and until his successor is duly appointed and qualified; vice Joncee Nodler, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2009, while the Senate was not in session.

M. Joan D'Ambrose, 10051 Sakura Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Leslie Dahl, 1221 Trenton Street, Chillicothe, Livingston County, Missouri 64601, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2011, and until her successor is duly appointed and qualified; vice, Micki Knowles, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 28, 2009, while the Senate was not in session.

Angela M. Dalton, 328 West Washington Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2009, and until her successor is duly appointed and qualified; vice, Bonnie Sue Lawson, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Angela M. Dalton, 328 West Washington Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2009, while the Senate was not in session.

Mary Dandurand, Democrat, 1222 Pembroke Drive, Warrensburg, Johnson County, Missouri 64093, as a member of the University of Central Missouri Board of Governors, for a term ending December 31, 2015, and until her successor is duly appointed and qualified; vice, Deleta Williams, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

LaRee DeFreece, Democrat, 151 Woodridge Road, Kirkwood, Saint Louis County, Missouri 63122, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2011, and until her successor is duly appointed and qualified; vice Jacqueline Hempen, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2009, while the Senate was not in session.

Maureen Dempsey, 7605 Shadybridge Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 13, 2009, while the Senate was not in session.

Kimberly Dickerson, Republican, 1746 County Road 1218, Moberly, Randolph County, Missouri 65270, as a member of the Dam and Reservoir Safety Council, for a term ending April 03, 2010, and until her successor is duly appointed and qualified; vice, Eugene Hites, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2009, while the Senate was not in session.

James DiRenna, Democrat, # 1 The Woodlands, Gladstone, Clay County, Missouri 64119, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2012, and until his successor is duly appointed and qualified; vice, Jean R. Hausheer, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Timothy G. Dolan, 387 Larimore Valley Drive, Wildwood, Saint Louis County, Missouri 63005, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2009, while the Senate was not in session.

Dale S. Dowell, 17 Tripoli, Mexico, Audrain County, Missouri 65265, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 20, 2012 and until his successor is duly appointed and qualified; vice, Terry Mackey, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Stacey L. Dujakovich, 9624 North Charlotte, Kansas City, Clay County, Missouri 64155, as a member of the Children's Trust Fund Board, for a term ending October 15, 2009, and until her successor is duly appointed and qualified; vice, Daniel McVey, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 2, 2009, while the Senate was not in session.

Gary Duncan, 1437 Crestwood Drive, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2011, and until his successor is duly appointed and qualified; vice, Carol L. Gossett, resigned.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

William Duncan, Democrat, 435 County Highway 481, Sikeston, Scott County, Missouri 63801, as a member of the Missouri Real Estate Appraisers Commission for a term ending September 12, 2012, and until his successor is duly appointed and qualified; vice, Anne McRoberts, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Christopher E. Egbert, 2308 Deer Creek Court, Columbia, Boone County, Missouri 65201, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2012, and until his successor is duly appointed and qualified; vice, David Brown, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,



## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 13, 2009, while the Senate was not in session.

Rory Ellinger, Democrat, 6925 Cornell Avenue, University City, Saint Louis County, Missouri 63130, as a member of the Missouri Health Facilities Review Committee, for a term ending January 01, 2010, and until his successor is duly appointed and qualified; vice, Cheryl Dillard, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Deborah S. Ellis, 16406 Bayshore Cove Court, Wildwood, Saint Louis County, Missouri 63040, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Joel P. Evans, 505 Park Avenue, Sikeston, Scott County, Missouri 63801, as a member of the Seismic Safety Commission, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, Charles Juden, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Laura Evans, 10716 Lancaster Road, Liberty, Clay County, Missouri 64068, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2013, and until her successor is duly appointed and qualified; vice, Nancy Montgomery, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Richard Ewing, 713 Homestead Drive, Moberly, Randolph County, Missouri 65270, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2011, and until his successor is duly appointed and qualified; vice, Steve Wilhelm, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 6, 2009, while the Senate was not in session.

John Farris, 1014 East Highway 72, Fredericktown, Madison County, Missouri 63645, as a member of the Seismic Safety Commission, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, Timothy Bonno, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Wayne Feuerborn, 440 East 65<sup>th</sup> Street, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2010, and until his successor is duly appointed and qualified; vice, Richard L. Dawe, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2009, while the Senate was not in session.

John Michael Flowers, 597 Sycamore, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending September 30, 2012 and until his successor is duly appointed and qualified; vice, Michael Gray, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Susan A. Fluegel, 7574 Kirky Court, Shrewsbury, Saint Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2012 and until her successor is duly appointed and qualified; vice, Peggy Pearl, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Mark A. Folsom, 4205 Northwest Claymont Drive, Kansas City, Clay County, Missouri 64116, as a member of the Child Abuse and Neglect Review Board, for a term ending June 01, 2012 and until his successor is duly appointed and qualified; vice, RSMo. 210.153.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Kenneth M. Frashier, 2A K Street, Lake Lotawana, Jackson County, Missouri 64086, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending September 30, 2011 and until his successor is duly appointed and qualified; vice, Jack Ball, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 2, 2009, while the Senate was not in session.

Keith Gary, 17619 South Merriott Road, Pleasant Hill, Cass County, Missouri 64080, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2013, and until his successor is duly appointed and qualified; vice, James Upchurch, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 28, 2009, while the Senate was not in session.

Michael Gerdine, Democrat, 3865 Flora Place, Saint Louis City, Missouri 63110, as a member of the State Board of Health, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, Donna Mannello, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Sarah Giboney, 808 Doe Run Court, Ashland, Boone County, Missouri 65010, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Devorah Goldenberg, 1337 Amherst Terrace Way, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Holocaust Education and Awareness Commission for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, RSMo 161.700.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Tracy Gonzalez, 4418 Glen Eagle Drive, Columbia, Boone County, Missouri 65203, as a member of the Child Abuse and Neglect Review Board, for a term ending August 03, 2009 and until her successor is duly appointed and qualified; vice, Marjorie Carter, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Tracy Gonzalez, 4418 Glen Eagle Drive, Columbia, Boone County, Missouri 65203, as a member of the Child Abuse and Neglect Review Board, for a term ending August 03, 2012 and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 7, 2009, while the Senate was not in session.

P. Wayne Goode, Democrat, 7231 Winchester Drive, Pasadena Hills, St. Louis County, Missouri 63121, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2015, and until his successor is duly appointed and qualified; vice, Don Walsworth, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2009, while the Senate was not in session.

Daniel L. Govero, 10945 Bailey School Road, Festus, Jefferson County, Missouri 63028, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending September 30, 2013 and until his successor is duly appointed and qualified; vice, John Teale, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 10, 2009, while the Senate was not in session.

Gwendolyn Grant, 9909 East 90<sup>th</sup> Terrace, Kansas City, Jackson County, Missouri 64138, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2012, and until her successor is duly appointed and qualified; vice, Elizabeth Grove, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Jon R. Gray, Democrat, 1030 West 55th Street, Kansas City, Jackson County, Missouri 64113, as a member of the Jackson County Sports Complex Authority for a term ending July 15, 2013, and until his successor is duly appointed and qualified; vice, Georgia Buchanan, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Miles J. Green, 17538 Scenic Drive, Boonville, Cooper County, Missouri 65233, as a member of the Seismic Safety Commission, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, Jeffery Garnatz, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 19, 2009, while the Senate was not in session.

Hobart Randolph Halsey, Democrat, 1704 Chelle Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Lincoln University Board of Curators for a term ending January 1, 2010, and until his successor is duly appointed and qualified; vice, Gurnie C. Gunter, deceased.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

James Harig, Republican, 106 Old Logging Road, Labadie, Franklin County, Missouri 63055, as a member of the Amusement Ride Safety Board for a term ending April 17, 2014, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 28, 2009, while the Senate was not in session.

John Harper, 2813 Burrwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, John Harper, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 25, 2009, while the Senate was not in session.

Ruby Harriman, 5221 Washington Place, Saint Louis City, Missouri 63108, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor; vice, Monica Haaf.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 2, 2009, while the Senate was not in session.



Boyd Harris, Republican, 19510 North Drew Road, Centralia, Boone County, Missouri 65240, as a member of the Missouri Real Estate Appraisers Commission for a term ending September 12, 2011, and until his successor is duly appointed and qualified; vice, Boyd Harris, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Robert J. Harris, 2505 East Broadway, Columbia, Boone County, Missouri 65201, as a member of the Children's Trust Fund Board, for a term ending September 15, 2011, and until his successor is duly appointed and qualified; vice, Nuzhat Nisar, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

Susan Hazelwood, 3005 Chapel Hill Road, Columbia, Boone County, Missouri 65203, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2010, and until her successor is duly appointed and qualified; vice, Stephen Lawler, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Charles M. Heiss, 853 Northwest 675, Centerview, Johnson County, Missouri 64019, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2012, and until his successor is duly appointed and qualified; vice, Robert Davis, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 28, 2009, while the Senate was not in session.

Gregory Helbig, Republican, 2064 North Farm Road 97, Springfield, Greene County, Missouri 65802, as a member of the State Milk Board, for a term ending September 28, 2013, and until his successor is duly appointed and qualified; vice, Gale Hackman, resigned.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 2, 2009, while the Senate was not in session.

Byron Hill, 3712 Woodrail on the Green, Columbia, Boone County, Missouri 65203, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2012, and until his successor is duly appointed and qualified; vice, Kurt D. Witzel, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2009, while the Senate was not in session.

Gina Hoagland, Republican, 5 Mayfair Road, Ladue, Saint Louis County, Missouri 63124, as a member of the State Lottery Commission, for a term ending September 07, 2012, and until her successor is duly appointed and qualified; vice, Martha L. Cortez, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2009, while the Senate was not in session.

William F. Horn, Jr., 36500 East Steinhauser, Sibley, Jackson County, Missouri 64088, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 20, 2012 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 19, 2009, while the Senate was not in session.

Reginal Hoskins, 3586 South Western Avenue, Springfield, Greene County, Missouri 65807, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, Richard A. Heithaus, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Jean Howard, Democrat, 1954 Shady Creek, Auxvasse, Callaway County, Missouri 65231, as a member of the State Committee of Dietitians, for a term ending June 11, 2011, and until her successor is duly appointed and qualified; vice, Jean Howard, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 12, 2009, while the Senate was not in session.

Ashley M. Hoyer, 1270 East Guinevere Court #212, Springfield, Greene County, Missouri 65804, as a member of the Missouri State University Board of Governors, for a term ending December 31, 2009 and until her successor is duly appointed and qualified; vice, Ryan S. Childress, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 28, 2009, while the Senate was not in session.

John Huff, 403 West Stewart Road, Columbia, Boone County, Missouri 65203, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 28, 2009, while the Senate was not in session.

John Huff, 403 West Stewart Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Employees' Voluntary Life Insurance Commission for a term ending October 7, 2011, and until his successor is duly appointed and qualified; vice, Eddy Justice, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Scott Hunt, 411 Lynwood Forest Drive, Manchester, Saint Louis County, Missouri 63021, as a member of the Public School Retirement System of Missouri Board of Trustees, for a term ending June 30, 2013, and until his successor is duly appointed and qualified; vice James O'Donnell, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 2, 2009, while the Senate was not in session.

Creed Jones, 3030 Kelley Drive, Joplin, Jasper County, Missouri 64804, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, Gregory F. Sharpe, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Julie Jones, Republican, 1717 Milboro Court, Ladue, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2013, and until her successor is duly appointed and qualified; vice, Chaim Zimbalist, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 2, 2009, while the Senate was not in session.

Sarah Jones, Democrat, 2211 Brandy Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Amusement Ride Safety Board for a term ending April 17, 2011, and until her successor is duly appointed and qualified; vice, Amy Sweeny Davis, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Evelyn E. Jorgenson, 1602 County Road 2290, Moberly, Randolph County, Missouri 65270, as a member of the Midwestern Higher Education Commission for a term ending January 1, 2013, and until her successor is duly appointed and qualified; vice, Thomas George, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Timothy M. Joyce, Republican, 16524 Shepard Glen, Warrenton, Warren County, Missouri 63383, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2009, and until his successor is duly appointed and qualified; vice, Richard Baalmann, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Timothy M. Joyce, Republican, 16524 Shepard Glen, Warrenton, Warren County, Missouri 63383, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2013, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Sharon L. Keating, 3805 Sherwood Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2012, and until her successor is duly appointed and qualified; vice, Sharon L. Keating, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 19, 2009, while the Senate was not in session.

Dennis Kempker, 5815 Roling Road, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, Keith A. Gary, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 9, 2009, while the Senate was not in session.

David D. Kerr, 2230 SW Village Hall Road, Topeka, Shawnee County, Kansas 66614, as Director of the Department of Economic Development, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 29, 2009, while the Senate was not in session.

Robert Kenney, 6632 Michigan Avenue, Saint Louis City, Missouri 63111, as a member of the Public Service Commission, for a term ending April 28, 2015, and until his successor is duly appointed and qualified; vice, Connie Murray, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

David Kierst, Jr., 7144 McGee, Kansas City, Jackson County, Missouri 64114, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011, and until his successor is duly appointed and qualified; vice, Vincent Hillyer, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Michele G. Kilo, 3413 Northwest 62<sup>nd</sup> Terrace, Kansas City, Platte County, Missouri 64151, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2010 and until her successor is duly appointed and qualified; vice, Michele Kilo, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:



I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Daniel Krasnoff, Democrat, 222 Papin Avenue, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2010, and until his successor is duly appointed and qualified; vice, Judy Logan, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 19, 2009, while the Senate was not in session.

Benjamin Lampert, Republican, 4367 East Bogey Court, Springfield, Greene County, Missouri 65809, as a member of the State Board of Registration for the Healing Arts, for a term ending September 03, 2012, and until his successor is duly appointed and qualified; vice, Keith LaFerriere, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 19, 2009, while the Senate was not in session.

Jacque Land, Democrat, 1627 Washington, Suite #503, Saint Louis City, Missouri 63103, as a member of the State Lottery Commission, for a term ending September 07, 2011, and until his successor is duly appointed and qualified; vice, Celeste T. Witzel, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 6, 2009, while the Senate was not in session.

Charli Jo Ledgerwood, 706 Black Jack Drive, Cassville, Barry County, Missouri 65625, as a member of the Safe Drinking Water Commission, for a term ending September 01, 2012, and until her successor is duly appointed and qualified; vice, Randall Moore, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Jean Leonatti, 3406 Wakefield Drive, Columbia, Boone County, Missouri 65203, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 26, 2009, while the Senate was not in session.

Sharon Lightfoot, 484 Lake Avenue, #4 South, Saint Louis, Saint Louis County, Missouri 63197, as a member of the State Committee of Psychologists for a term ending August 28, 2013, and until her successor is duly appointed and qualified; vice, Jerrell Driver, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Willis Jackson Magruder, 20675 Willis Way, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2013, and until his successor is duly appointed and qualified; vice, Robert H. Spence, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

John Mallott, 401 East Washington, Kennett, Dunklin County, Missouri 63857, as a member of the Seismic Safety Commission, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, Mark Hasheider, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

Patrick Maloney, 7145 Stanford Avenue, Saint Louis, Saint Louis County, Missouri 63130, as a member of the State Committee of Psychologists for a term ending August 28, 2012, and until his successor is duly appointed and qualified; vice, Vetta Sanders Thompson, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Bruce Manning, 12466 Roth Hill Drive, Maryland Heights, Saint Louis County, Missouri 63043, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2012, and until his successor is duly appointed and qualified; vice, Robert Mitchell, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 16, 2009, while the Senate was not in session.

Emily Martin, 4232 Flora Place, Saint Louis City, Missouri 63110 as a member of the State Board of Mediation, for a term ending April 01, 2012 and until her successor is duly appointed and qualified; vice, RSMo 295.030.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 2, 2009, while the Senate was not in session.

Kelley Martin, Republican, 5915 Northwest 96<sup>th</sup> Terrace, Kansas City, Platte County, Missouri 64154, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, James B. Anderson, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 28, 2009, while the Senate was not in session.

Steven Martin, Republican, 104 Dogwood Circle, Portageville, New Madrid County, Missouri 63873, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2014, and until his successor is duly appointed and qualified; vice, Jeff Case, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Lance Mayfield, 20 Meadowcrest, Viburnum, Iron County, Missouri 65566, as a member of the Missouri State Employees' Voluntary Life Insurance Commission for a term ending October 7, 2012, and until his successor is duly appointed and qualified; vice, Aaron Vickar, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 19, 2009, while the Senate was not in session.

Daniel McCool, 1181 Liberty Road, Rogersville, Webster County, Missouri 65742, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor; vice, Joseph Ulveling.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Roxanne McDaniel, 1613 Limerick Lane, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2013, and until her successor is duly appointed and qualified; vice, Autumn Hooper, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Rebeka R. McIntosh, 4015 South Forest Avenue, Independence, Jackson County, Missouri 64052, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2012, and until her successor is duly appointed and qualified; vice, Maria I. Gomez, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 18, 2009, while the Senate was not in session.

Ellis McSwain, Jr., Democrat, 2905 Sue Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Probation and Parole for a term ending August 28, 2012, and until his successor is duly appointed and qualified; vice, Steven D. Long, resigned.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Jacquelyn Metheny, 701 East 63<sup>rd</sup> Terrace, Kansas City, Jackson County, Missouri 64110, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2012 and until her successor is duly appointed and qualified; vice, Barbara Smith, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 19, 2009, while the Senate was not in session.

Kenneth Meyer, 3639 East Kensington, Springfield, Greene County, Missouri 65802, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2012 and until his successor is duly appointed and qualified; vice, Cory Bomgaars, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

Stephen R. Miller, Republican, 1215 West 59<sup>th</sup> Street, Kansas City, Jackson County, Missouri 64113, as a member of the State Highway and Transportation Commission, for a term ending March 01, 2011 and until his successor is duly appointed and qualified; vice, Michael Kehoe, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2009, while the Senate was not in session.

William Miller, Jr., 12502 Bielefeld Court, Florissant, St. Louis County, Missouri 63033, as Director of the Division of Personnel for the Office of Administration, for a term ending June 30, 2013, and until his successor is duly appointed and qualified; vice, Chester L. White, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

Holly Monroe, 116 Lindell Drive, Columbia, Boone County, Missouri 65203, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Kristin Thomas-Sohl, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2009, while the Senate was not in session.

John C. Morris, 8032 Orlando Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 26, 2009, while the Senate was not in session.

Patrick Naeger, 1083 PCR 906, Perryville, Perry County, Missouri 63775, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2013, and until his successor is duly appointed and qualified; vice, David Siscel, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2009, while the Senate was not in session.

Norma J. Nisbet, Independent, 5649 Hillcamp Court, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Missouri Women's Council, for a term ending December 6, 2011, and until her successor is duly appointed and qualified; vice, Sandra Jones, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 30, 2009, while the Senate was not in session.

Deborah Onken, 106 Aberdeen Place, Saint Louis, Saint Louis County, Missouri 63105, as a member of the State Committee of Psychologists for a term ending October 23, 2012, and until her successor is duly appointed and qualified; vice, Christopher J. Maglio, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor



Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 1, 2009, while the Senate was not in session.

Kevin O'Malley, Democrat, 66 Fair Oaks, Saint Louis, Saint Louis County, Missouri 63124, as a member of the State Board of Registration for the Healing Arts, for a term ending June 30, 2013, and until his successor is duly appointed and qualified; vice, Joe R. Ortwerth, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Nancy O'Reilly, 5538 South Farm Road 181, Rogersville, Greene County, Missouri 65742, as a member of the State Committee of Psychologists for a term ending August 28, 2011, and until her successor is duly appointed and qualified; vice, Mariann Burnetti-Atwell, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Shawn T. Ordway, Democrat, 1438 Edgevale Road, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 28, 2009, while the Senate was not in session.

Daniel Osborn, Republican, 2307 South Forrest Heights Avenue, Springfield, Greene County, Missouri 65809, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2012, and until his successor is duly appointed and qualified; vice, Daniel Scodary, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 28, 2009, while the Senate was not in session.

Thomas Owen, Republican, 851 Green Road, Marshfield, Webster County, Missouri 65706, as a member of the State Milk Board, for a term ending September 28, 2013, and until his successor is duly appointed and qualified; vice, RSMo. 196.941.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Carla Owens Braziel, 7040 Stanford Avenue, Saint Louis, Saint Louis County, Missouri 63130, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2012 and until her successor is duly appointed and qualified; vice, Patrick Naeger, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 9, 2009, while the Senate was not in session.

Suzan Ponder-Bates, 3096 Brook Stone Road, Festus, Jefferson County, Missouri 63028, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Jeffrey Cox, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2009, while the Senate was not in session.

Suzan Ponder-Bates, Democrat, 3096 Brook Stone Road, Festus, Jefferson County, Missouri 63028, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2013 and until her successor is duly appointed and qualified; vice, Patrick Gleason, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Jeanette Prenger, 5633 Cedar Court, Parkville, Platte County, Missouri 64152, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until her successor is duly appointed and qualified; vice, Jeanette Prenger, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Leata Price-Land, 5820 Waterman Boulevard, Saint Louis City, Missouri 63112, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2013, and until her successor is duly appointed and qualified; vice, Leila Cohoon, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 14, 2009, while the Senate was not in session.

Florence T. Pullen, 1033 Wilton Royal Drive #303, Creve Coeur, Saint Louis County, Missouri 63146, as a member of the Child Abuse and Neglect Review Board, for a term ending April 29, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 3, 2009, while the Senate was not in session.

Billy Lee Ransdall, Democrat, 503 Wildwood Lane, Waynesville, Pulaski County, Missouri 65583, as a member of the State Tax Commission, for a term ending January 23, 2012, and until his successor is duly appointed and qualified; vice, Charles Nordwald, resigned.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Dianna Reed, Democrat, 1308 Holgate Drive, #G2, Ballwin, Saint Louis County, Missouri 63021, as a member of the Air Conservation Commission, for a term ending October 13, 2012, and until her successor is duly appointed and qualified; vice, Richard Rocha, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

David E. Richards, 2124 East Mac's Court, #4, Springfield, Greene County, Missouri 65804, as a member of the State Historical Records Advisory Board, for a term ending November 01, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Gwendolyn Y. Richards, 5823 East 98<sup>th</sup> Court, Kansas City, Jackson County, Missouri 64134, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

Kevin Roberts, Democrat, 9977 Venita Lane, Hillsboro, Jefferson County, Missouri 63050, as a member of the State Lottery Commission, for a term ending September 07, 2011, and until his successor is duly appointed and qualified; vice, Patrick Dillon, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Clara Carroll Rodriguez, 1921 Grayson Ridge Court, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2009, while the Senate was not in session.

Pamela Ross, 18 Aberdeen Place, Saint Louis City, Missouri 63105, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, James Bracht.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2009, while the Senate was not in session.

Jason Royle, Route 1 Box 18AA, Marquand, Bollinger County, Missouri 63655, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2010, and until his successor is duly appointed and qualified; vice, Samuel Shipman, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Berta M. Sailer, 8305 Harvard Avenue, Raytown, Jackson County, Missouri 64138, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011 and until her successor is duly appointed and qualified; vice, Robin E. Threlkeld, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2009, while the Senate was not in session.

Mark F. Saladin, 4955 Deer Run Loop, Carthage, Jasper County, Missouri 64836, as a member of the Missouri Dental Board, for a term ending October 16, 2014, and until his successor is duly appointed and qualified; vice, Rolfe McCoy, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

Eric Sandvol, 340 Crown Point, Columbia, Boone County, Missouri 65203, as a member of the Seismic Safety Commission, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, Robert Herrmann, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

L. Carol Scott, 462 Whittier Street, Apartment 203, Saint Louis City, Missouri 63108, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor; vice, Karen Bartz.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 2, 2009, while the Senate was not in session.

Donald Shaw, 2409 Bowe Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Seismic Safety Commission, for a term ending July 01, 2010, and until his successor is duly appointed and qualified; vice, Michael A. Reilly, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Ann K. Shelton, 1203 Summer Lynne Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2013, and until her successor is duly appointed and qualified; vice, K'Alice Breinig, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Sarah Amanda Shelton, Democrat, 2500 Old 63 South, Apartment 642, Columbia, Boone County, Missouri 65201, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011 and until her successor is duly appointed and qualified; vice, Joshua Travis, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

Curtis Skouby, 6734 Oleatha Avenue, Saint Louis City, Missouri 63139, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2012, and until his successor is duly appointed and qualified; vice, John Witherspoon, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor



Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 19, 2009, while the Senate was not in session.

Mark Skrade, 4672 South Farm Road 193, Rogersville, Greene County, Missouri 65742, as a member of the State Committee of Psychologists for a term ending August 28, 2012, and until his successor is duly appointed and qualified; vice, Mark Skrade, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Cathryn M. Smith, 1501 Felder Street, Trenton, Grundy County, Missouri 64683, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 1, 2009, while the Senate was not in session.

Edna A. Smith, 6120 Northwest 79<sup>th</sup> Street, Kansas City, Platte County, Missouri 64151, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012 and until her successor is duly appointed and qualified; vice, Peggy Adams, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2009, while the Senate was not in session.

Philip G. Smith, 215 North Third Street, Louisiana, Pike County, Missouri 63353, as a member of the Administrative Hearing Commission, for a term ending June 22, 2015 and until his successor is duly appointed and qualified; vice, Douglas Ommen, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 19, 2009, while the Senate was not in session.

Stephen Snead, Democrat, Box 275, Turners, Greene County, Missouri 65765, as a member of the State Lottery Commission, for a term ending September 07, 2011, and until his successor is duly appointed and qualified; vice, C. Larry Ray, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 6, 2009, while the Senate was not in session.

Larry D. Spence, Republican, 3200 County Road 5430, Willow Springs, Howell County, Missouri 65793, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees, for a term ending July 15, 2012, and until his successor is duly appointed and qualified; vice, Charles Kemper, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2009, while the Senate was not in session.

John Stanfield, Democrat, 427 Waterway, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, William Luetkenhaus, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

Regina Staves, 12200 Cherry Street, Kansas City, Jackson County, Missouri 64145, as a member of the Children's Trust Fund Board, for a term ending July 23, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Cathy Steele, 1006 Orchard Lakes Drive, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2011, and until her successor is duly appointed and qualified; vice, Mary Ireland, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2009, while the Senate was not in session.

LeRoy Stromberg, 3250 Hawthorne Boulevard, Saint Louis, Saint Louis County, Missouri 63104, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2011, and until his successor is duly appointed and qualified; vice, J. Howard Fisk, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Suzanne E. Taggart, 24010 Highway D, California, Moniteau County, Missouri 65018, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2010, and until her successor is duly appointed and qualified; vice, Rosalyn Schultz, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Edna M. Talboy, Democrat, 5323 Northwest Bluffs Way, Parkville, Platte County, Missouri 64152, as a member of the Missouri Health Facilities Review Committee, for a term ending January 01, 2011, and until her successor is duly appointed and qualified; vice, Robert Foster, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2009, while the Senate was not in session.

James Tellatin, Democrat, 1544 Wolf Trail Road, Wildwood, Saint Louis County, Missouri 63021, as a member of the Missouri Health Facilities Review Committee, for a term ending January 01, 2011, and until his successor is duly appointed and qualified; vice, Penelope Braun, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 6, 2009, while the Senate was not in session.

John J. Temporiti, Democrat, 5413 Kenrick Parke Drive, Saint Louis, Saint Louis County, Missouri 63119, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, Loren Cook, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Joshua Tennison, 213 Frieda Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, Sarah Tate, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Tamara Thielemier, 221 Little Creek Court, Jefferson City, Cole County, Missouri 65109, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice Tamara Thielemier, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 11, 2009, while the Senate was not in session.

Letitia Thomas, 1023 Westwinds Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2009 and until her successor is duly appointed and qualified; vice, James Jackson, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Letitia Thomas, 1023 Westwinds Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2012 and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Megan Thornberry, Democrat, 635 West 69 Street, Kansas City, Jackson County, Missouri 64113, as a member of the Kansas City Board of Election Commissioners, for a term ending January 14, 2013 and until her successor is duly appointed and qualified; vice, Joseph Serrano, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Paul Titterington, 1246 West 67 Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Dental Board, for a term ending October 16, 2013, and until his successor is duly appointed and qualified; vice, John Freeze, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Cindra E. Tull, 436 East Lakeview Terrace, Springfield, Greene County, Missouri 65810, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Nancy Spears, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Teresa Underwood, 20400 North Barnes Road, Centralia, Boone County, Missouri 65240, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice Steven Millikan, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 2, 2009, while the Senate was not in session.

Gary Vandiver, Democrat, 500 Deer Ridge Drive, Richmond, Ray County, Missouri 64085, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2011, and until his successor is duly appointed and qualified; vice, Kathleen Carpenter, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Theodore M. Vollmar, Republican, 12 Steeplechase Court, Frontenac, Saint Louis County, Missouri 63131, as a member of the Missouri Health Facilities Review Committee, for a term ending January 01, 2011, and until his successor is duly appointed and qualified; vice, Michael Meierhoffer, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Curtis Wall, 10872 Mallard Court, Holts Summit, Callaway County, Missouri 65043, as a member of the Missouri Propane Gas Commission, for a term ending June 30, 2014, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Teresa M. Wallace, 6653 Devonshire Apartment #2 West, Saint Louis City, Missouri 63109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Suzanne Taggart, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 28, 2009, while the Senate was not in session.



Nancy Watkins, Democrat, 7419 York Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Public Defender Commission, for a term ending December 30, 2013, and until her successor is duly appointed and qualified; vice, Rebecca Stith, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2009, while the Senate was not in session.

Timothy White, 5047 Rosa Avenue, Saint Louis City, Missouri 63109, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice Herbert Martin, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 17, 2009, while the Senate was not in session.

Matthew D. Whittle, 1455 Anderson Hollow Road, Linn Creek, Camden County, Missouri 65052, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2011, and until his successor is duly appointed and qualified; vice, David Topash, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 28, 2009, while the Senate was not in session.

Gerald Winship, Independent, 4527 Water's Edge, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Sports Complex Authority for a term ending July 15, 2014, and until his successor is duly appointed and qualified; vice, Glen Hastings, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 14, 2009, while the Senate was not in session.

Michelle Word, Democrat, 5705 McGee, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Women's Council, for a term ending December 6, 2012, and until her successor is duly appointed and qualified; vice, Nanci King, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2009, while the Senate was not in session.

Marvin Wright, Democrat, 1200 Danforth Drive, Columbia, Boone County, Missouri 65201, as a member of the University of Central Missouri Board of Governors, for a term ending December 31, 2015, and until his successor is duly appointed and qualified; vice, Lawrence Fick, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 30, 2009, while the Senate was not in session.

Pamela Wright, Republican, 893 Alanson Drive, University City, Saint Louis County, Missouri 63132, as a member of the State Lottery Commission, for a term ending September 07, 2010, and until her successor is duly appointed and qualified; vice, Robert Gattermeir, withdrawn.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 28, 2009, while the Senate was not in session.

Donald Yarber, Democrat, 76 Scotsdale Court, Cottleville, Saint Charles County, Missouri 63376, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2013, and until his successor is duly appointed and qualified; vice, LaVaunt Maupin, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2009, while the Senate was not in session.

Audrey Yarbrough, 3090 Key Harbour, Lake Saint Louis, Saint Charles County, Missouri 63367, as a member of the Missouri Family Trust Board of Trustees, for a term ending December 7, 2010 and until her successor is duly appointed and qualified; vice, Harold Cleberg, term expired.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2009, while the Senate was not in session.

Lois Zerrer, 1312 South Virginia, Springfield, Greene County, Missouri 65807, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,

Jeremiah W. (Jay) Nixon

Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2009, while the Senate was not in session.

Stuart Zimmerman, Democrat, 736 Audubon Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Missouri Investment Trust Board of Trustees, for a term ending February 24, 2012 and until his successor is duly appointed and qualified; vice, Kathy Conley Jones, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 06, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 28, 2009, while the Senate was not in session.

David Zimmermann, Democrat, #5 River Cove, Crystal City, Jefferson County, Missouri 63019, as a member of the Air Conservation Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, Mark A. Fohey, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

Senator McKenna assumed the Chair.

### **FIRST READING OF PRE-FILED SENATE BILLS**

As provided in Chapter 21, RSMo 2000, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

**SB 577**—By Shields.

An Act to repeal sections 105.470, 105.483, and 105.485, RSMo, and to enact in lieu thereof five new sections relating to ethics.

**SB 578**—By Shields.

An Act to repeal sections 68.025, 68.035, 68.040, and 68.070, RSMo, and to enact in lieu thereof nineteen new sections relating to port authorities.

**SB 579**—By Shields.

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof one new section relating to prohibited activities by Kansas City police officers, with penalty provisions.

**SB 580**—By Griesheimer.

An Act to repeal sections 50.660, 50.783, 67.1360, 67.2000, 94.902, and 138.431, RSMo, and to enact in lieu thereof eight new sections relating to political subdivisions.

**SB 581**—By Griesheimer.

An Act to amend chapter 77, RSMo, by adding thereto one new section relating to political subdivisions.

**SB 582**—By Griesheimer.

An Act to repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to recording fees for preservation of local records by the secretary of state.

**SB 583**—By Champion.

An Act to repeal sections 375.932, 375.936, 376.1100, and 376.1109, RSMo, and to enact in lieu thereof five new sections relating to the regulation of the insurance market for the protection of senior citizens.

**SB 584**—By Bartle.

An Act to repeal section 23.253, RSMo, and to enact in lieu thereof two new sections relating to the reauthorization of certain tax credit programs.

**SB 585**—By Bartle.

An Act to repeal sections 226.010, 226.200, and 226.220, RSMo, and to enact in lieu thereof thirteen new sections relating to the authority to construct, maintain, and operate toll facilities, with a contingent effective date.

**SB 586**—By Bartle.

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions and a severability clause.

**SB 587**—By Nodler and Cunningham.

An Act to amend chapter 27, RSMo, by adding thereto one new section relating to the tenth amendment commission, with a referendum clause.

**SB 588**—By Nodler.

An Act to repeal sections 137.180, 137.243, and 137.355, RSMo, and to enact in lieu thereof three new sections relating to projected property tax liability notices for certain counties.

**SB 589**—By Nodler.

An Act to repeal sections 115.350 and 561.021, RSMo, and to enact in lieu thereof one new section relating to disqualification of candidates for public office.

**SB 590**—By Bray.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to conducted energy devices.

**SB 591**—By Bray.

An Act to repeal sections 546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.004, 565.006, 565.020, 565.030, 565.032, 565.035, and 565.040, RSMo, and to enact in lieu thereof four new sections relating to repealing the death penalty, with penalty provisions.

**SB 592**—By Bray.

An Act to repeal sections 43.545, 455.200, 455.545, and 565.063, RSMo, and to enact in lieu thereof six new sections relating to domestic violence, with penalty provisions.

**SB 593**—By Days and Bray.

An Act to repeal sections 408.500, 408.505, and 408.506, RSMo, and to enact in lieu thereof three new sections relating to unsecured loans of five hundred dollars or less, with penalty provisions.

**SB 594**—By Days.

An Act to repeal sections 193.125 and 193.255, RSMo, and to enact in lieu thereof four new sections relating to adoption records.

**SB 595**—Withdrawn.

**SB 596**—By Callahan.

An Act to amend chapter 99, RSMo, by adding thereto six new sections relating to show-me small business districts, with a contingent effective date.

**SB 597**—By Ridgeway.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to state contracts.

**SB 598**—By Ridgeway.

An Act to repeal section 139.052, RSMo, and to enact in lieu thereof one new section relating to the acceptance of installment payments for certain property taxes.

**SB 599**—By Ridgeway.

An Act to repeal section 217.575, RSMo, and to enact in lieu thereof one new section relating to the vocational enterprises program.

**SB 600**—By Crowell.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to access to the dome of the state capitol.

**SB 601**—Withdrawn.

**SB 602**—By Crowell.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

**SB 603**—By Mayer.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school enrollment.

**SB 604**—By Mayer.

An Act to repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

**SB 605**—By Mayer.

An Act to repeal section 48.020, RSMo, and to enact in lieu thereof one new section relating to county classification.

**SB 606**–By Stouffer.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to comprehensive day rehabilitation services under the MO HealthNet program.

**SB 607**–By Stouffer.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

**SB 608**–By Stouffer.

An Act to repeal section 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits for certain contributions.

**SB 609**–By Green.

An Act to repeal sections 115.079, 115.081, 115.085, 115.089, 115.095, and 115.102, RSMo, and to enact in lieu thereof six new sections relating to election judges, with penalty provisions.

**SB 610**–By Green.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employee password protection, with penalty provisions.

**SB 611**–By Green.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to standards for window coverings in child care facilities and foster homes.

**SB 612**–By Wilson.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to eligibility for food stamps.

**SB 613**–By Wilson.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to eligibility for food stamps.

**SB 614**–By Wilson.

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to anti-bullying policies.

**SB 615**–By Goodman.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

**SB 616**–By Goodman.

An Act to amend chapters 376 and 538, RSMo, by adding thereto two new sections relating to faith-based community health centers.

**SB 617**–By Goodman.

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions and a severability clause.

**SB 618**—By Rupp, Schmitt, Justus and McKenna.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for diagnosis and treatment of autism spectrum disorders.

**SB 619**—By Rupp.

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

**SB 620**—By Rupp.

An Act to amend chapter 478, RSMo, by adding thereto one new section relating to the forty-fifth judicial circuit, with an emergency clause.

**SB 621**—By Lager.

An Act to repeal section 327.272, RSMo, and to enact in lieu thereof two new sections relating to digital cadastral parcel mapping.

**SB 622**—By Shoemyer.

An Act to repeal section 281.260, RSMo, and to enact in lieu thereof one new section relating to pesticide registration.

**SB 623**—By Shoemyer.

An Act to repeal sections 32.069 and 144.190, RSMo, and to enact in lieu thereof two new sections relating to sales tax refunds, with penalty provisions.

**SB 624**—By Shoemyer.

An Act to repeal section 99.1090, RSMo, and to enact in lieu thereof one new section relating to downtown revitalization preservation redevelopment projects.

**SB 625**—By Justus and Keaveny.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

**SB 626**—By Justus.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to human rights.

**SB 627**—By Justus.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to immunizations against the human papillomavirus.

**SB 628**—By Dempsey.

An Act to repeal section 55.030, RSMo, and to enact in lieu thereof one new section relating to county inventory.

**SB 629**—By Dempsey.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Missouri healthy workplace recognition program.



**SB 630**–By Cunningham.

An Act to repeal sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, and to enact in lieu thereof thirty new sections relating to manufactured homes, with penalty provisions.

**SB 631**–By Cunningham.

An Act to repeal sections 37.710, 160.261, 168.021, 168.071, 168.133, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof sixteen new sections relating to protecting children from sexual offenders, with penalty provisions.

**SB 632**–By Cunningham.

An Act to repeal sections 578.025 and 578.030, RSMo, and to enact in lieu thereof three new sections relating to dog fighting, with penalty provisions.

**SB 633**–By Pearce.

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, 407.1107, and 407.1110, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls.

**SB 634**–By Pearce.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for homes built under green build standards.

**SB 635**–By Pearce.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for processed biomass engineered fiber fuel.

**SB 636**–By Lembke.

An Act to repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to the payment of health insurance claims.

**SB 637**–By Lembke.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the use of automated photo red light enforcement systems by local governments.

**SB 638**–By Lembke.

An Act to repeal sections 190.335 and 190.337, RSMo, and to enact in lieu thereof two new sections relating to taxes to fund emergency services.

**SB 639**–By Schmitt.

An Act to repeal sections 191.900, 191.907, and 191.910, RSMo, and to enact in lieu thereof three new sections relating to MO HealthNet fraud, with penalty provisions.

**SB 640**–By Wright-Jones.

An Act to repeal sections 238.202, 238.208, 238.220, 238.225, 238.232, and 238.236, RSMo, and to enact in lieu thereof six new sections relating to transportation development districts.

**SB 641**—By Wright-Jones.

An Act to repeal section 160.405, RSMo, and to enact in lieu thereof one new section relating to charter schools.

**SB 642**—By Wright-Jones.

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to the promotion of the efficient use of health care revenues by requiring health carriers to expend a certain percentage of their total annual revenues on health services, with penalty provisions.

**SB 643**—By Keaveny.

An Act to repeal section 84.010, RSMo, and to enact in lieu thereof five new sections relating to the St. Louis police force.

**SB 644**—By Shields.

An Act to repeal sections 67.1361 and 70.220, RSMo, and to enact in lieu thereof two new sections relating to taxes to fund tourism and convention centers.

**SB 645**—By Shields.

An Act to repeal sections 8.900, 21.475, 21.780, 32.250, 32.260, 162.1060, 166.203, 170.250, 208.275, 253.375, 260.370, 260.725, 320.094, 622.055, and 622.057, RSMo, and to enact in lieu thereof seven new sections relating to the repeal and reduction of certain committees and commissions, with an expiration date for certain sections.

**SB 646**—By Bray.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

**SB 647**—By Bray.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof five new sections relating to equal employment practices.

**SB 648**—By Bray.

An Act to repeal sections 130.016, 130.021, and 130.037, RSMo, and to enact in lieu thereof four new sections relating to campaign contribution limits.

**SB 649**—By Days and Wright-Jones.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Girl Scout day.

**SB 650**—By Days.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to brachial plexus injuries.

**SB 651**—By Days, Bray and Green.

An Act to repeal sections 115.275 and 115.289, RSMo, and to enact in lieu thereof three new sections relating to advance voting, with penalty provisions and an effective date for a certain section.

**SB 652**–By Ridgeway.

An Act to repeal sections 211.447, 211.462, and 211.477, RSMo, and to enact in lieu thereof five new sections relating to jury trials in termination of parental rights proceedings.

**SB 653**–By Crowell.

An Act to repeal section 559.115, RSMo, and to enact in lieu thereof one new section relating to the shock incarceration program, with penalty provisions.

**SB 654**–By Crowell.

An Act to amend chapter 135, RSMo, by adding thereto six new sections relating to the Missouri special needs scholarship tax credit program.

**SB 655**–By Crowell.

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof one new section relating to the regulation of methamphetamine precursor substances, with penalty provisions.

**SB 656**–Withdrawn.**SB 657**–By Mayer.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

**SB 658**–By Stouffer and Keaveny.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales tax exemption for farm products sold at farmers' markets.

**SB 659**–By Stouffer.

An Act to repeal section 144.010, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions for nondomestic game birds sold for hunting.

**SB 660**–By Wilson.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to the unlawful use of weapons, with penalty provisions.

**SB 661**–By Wilson.

An Act to amend chapter 196, RSMo, by adding thereto two new sections relating to smoking prevention and cessation.

**SB 662**–By Wilson.

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

**SB 663**–By Rupp.

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, 407.1107, and 407.1110, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls.

**SB 664**–By Rupp.

An Act to repeal sections 578.025 and 578.030, RSMo, and to enact in lieu thereof three new sections relating to dog fighting, with penalty provisions.

**SB 665**—By Rupp.

An Act to repeal section 105.270, RSMo, and to enact in lieu thereof one new section relating to the military leave of public employees, with penalty provisions.

**SB 666**—By Shoemyer.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to accessibility of offices in the state capitol.

**SB 667**—By Shoemyer.

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to the seed availability and competition act, with penalty provisions.

**SB 668**—By Justus.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

**SB 669**—By Justus.

An Act to repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a sales tax to fund public safety improvements.

**SB 670**—By Justus.

An Act to amend chapter 141, RSMo, by adding thereto one new section relating to the compromise of taxes and penalties for properties subject to certain actions as abandoned property.

**SB 671**—By Cunningham.

An Act to repeal sections 137.073, 137.076, 137.115, and 138.380, RSMo, and to enact in lieu thereof five new sections relating to property taxes, with a contingent effective date.

**SB 672**—By Cunningham.

An Act to repeal section 160.540, RSMo, and to enact in lieu thereof one new section relating to teacher tenure.

**SB 673**—By Pearce.

An Act to repeal sections 23.295, 160.575, 178.761, 178.762, 178.764, 286.005, and 288.040, RSMo, and to enact in lieu thereof seven new sections relating to unemployment.

**SB 674**—By Wright-Jones.

An Act to amend chapters 392 and 393, RSMo, by adding thereto two new sections relating to deposits required by public utilities.

**SB 675**—By Wright-Jones.

An Act to repeal section 84.010, RSMo, and to enact in lieu thereof five new sections relating to the St. Louis police force.

**SB 676**—By Wright-Jones.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the prostate cancer pilot program.

**SB 677**–By Bray.

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof one new section relating to alternate rate schedules.

**SB 678**–By Bray.

An Act to repeal section 226.540, RSMo, and to enact in lieu thereof one new section relating to billboards.

**SB 679**–By Bray.

An Act to repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to third party candidates.

**SB 680**–By Crowell.

An Act to repeal sections 260.500 and 260.546, RSMo, and to enact in lieu thereof two new sections relating to hazardous substance releases.

**SB 681**–By Wilson.

An Act to amend chapter 99, RSMo, by adding thereto six new sections relating to duty free zones, with a contingent effective date.

**SB 682**–By Wilson.

An Act to repeal section 99.1205, RSMo, and to enact in lieu thereof one new section relating to the land assemblage tax credit program.

**SB 683**–By Wilson.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for poll workers.

**SB 684**–By Rupp.

An Act to repeal section 453.170, RSMo, and to enact in lieu thereof one new section relating to adoptions occurring in a foreign country.

**SB 685**–By Rupp.

An Act to repeal section 375.1255, RSMo, and to enact in lieu thereof two new sections relating to the financial condition of certain insurance companies.

**SB 686**–By Rupp.

An Act to repeal section 138.431, RSMo, and to enact in lieu thereof one new section relating to hearing officers for appeals before the state tax commission.

**SB 687**–By Wright-Jones.

An Act to repeal sections 307.365 and 643.320, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle inspections, with penalty provisions.

**SB 688**–By Wright-Jones.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the reporting of the number of students enrolled in schools.

**SB 689**—By Wright-Jones.

An Act to amend chapter 640, RSMo, by adding thereto eight new sections relating to the Missouri clean energy technology center.

**SB 690**—By Bray.

An Act to amend chapter 273, RSMo, by adding thereto twelve new sections relating to the healthy pet act.

**SB 691**—By Wilson.

An Act to repeal section 67.1063, RSMo, and to enact in lieu thereof one new section relating to homeless person assistance.

**SB 692**—By Wilson.

An Act to repeal section 565.095, RSMo, and to enact in lieu thereof one new section relating to the criminalization of displaying a noose, with penalty provisions.

**SB 693**—By Wilson.

An Act to amend chapters 143 and 453, RSMo, by adding thereto two new sections relating to foster care and adoption promotion.

**SB 694**—By Wright-Jones.

An Act to repeal sections 115.205 and 115.631, RSMo, and to enact in lieu thereof three new sections relating to elections, with penalty provisions.

**SB 695**—By Wright-Jones.

An Act to repeal section 494.430, RSMo, and to enact in lieu thereof one new section relating to jury duty.

**SB 696**—By Wright-Jones.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof seven new sections relating to reducing the number of abortions in the state through the prevention first act, with penalty provisions.

**SB 697**—By Wright-Jones and Keaveny.

An Act to repeal section 67.399, RSMo, and to enact in lieu thereof one new section relating to vacant property registration fees.

**SB 698**—By Griesheimer.

An Act to repeal sections 190.308 and 392.460, RSMo, and to enact in lieu thereof three new sections relating to telecommunications, with a penalty provision.

**SB 699**—By Wilson.

An Act to repeal sections 408.500, 408.505, and 408.506, RSMo, and to enact in lieu thereof three new sections relating to unsecured loans of five hundred dollars or less, with penalty provisions.

**SB 700**—By Lager.

An Act to repeal section 67.2000, RSMo, and to enact in lieu thereof one new section relating to the creation of exhibition and recreational facility districts.

**SB 701**—By McKenna and Keaveny.

An Act to repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to the banning of text messaging while operating a motor vehicle, with penalty provisions.

**SB 702**—Withdrawn.**SB 703**—By Vogel.

An Act to repeal section 67.1000, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes.

**SB 704**—By Griesheimer.

An Act to repeal section 226.540, RSMo, and to enact in lieu thereof two new sections relating to billboards.

**SB 705**—By Griesheimer.

An Act to repeal sections 393.275 and 660.122, RSMo, and to enact in lieu thereof two new sections relating to utilities.

**SB 706**—By Rupp.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the review of license examinations for life insurance producers.

**SB 707**—By McKenna.

An Act to repeal sections 169.070 and 169.670, RSMo, and to enact in lieu thereof two new sections relating to teacher and school employee retirement systems.

**SB 708**—By McKenna.

An Act to repeal sections 347.187, 355.020, 355.171, 355.631, 355.791, and 359.121, RSMo, and to enact in lieu thereof six new sections relating to Missouri small business organizations.

**SB 709**—By Shoemyer.

An Act to amend chapter 324, RSMo, by adding thereto twenty-three new sections relating to the regulation of the auto body repair industry, with penalty provisions.

**SB 710**—By Bray.

An Act to repeal sections 383.015, 383.016, 383.020, 383.035, and 383.206, RSMo, and to enact in lieu thereof six new sections relating to medical malpractice insurance.

**SB 711**—By Bray.

An Act to repeal sections 143.011, 143.021, and 143.171, RSMo, and to enact in lieu thereof four new sections relating to individual income tax, with a referendum clause.

**SB 712**—By Bray.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to the reorganization of state health care, with an emergency clause and an expiration date.

**SB 713**—By Mayer.

An Act to repeal section 181.060, RSMo, and to enact in lieu thereof two new sections relating to public library district sales taxes.

**SB 714**—By Crowell.

An Act to repeal sections 56.809, 70.605, 104.190, 104.480, and 169.020, RSMo, and to enact in lieu thereof six new sections relating to retirement system audits.

**SB 715**—By Crowell.

An Act to repeal sections 103.003 and 103.079, RSMo, and to enact in lieu thereof five new sections relating to the reorganization of the state health care system, with an emergency clause and an expiration date for a certain section.

**SB 716**—By Goodman.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special event motor vehicle auction licenses, with penalty provisions.

**SB 717**—By Vogel.

An Act to repeal sections 105.716 and 144.083, RSMo, and to enact in lieu thereof three new sections relating to no tax due statements.

**SB 718**—By Crowell.

An Act to repeal section 100.286, RSMo, and to enact in lieu thereof one new section relating to Missouri development finance board infrastructure development fund tax credits.

**SB 719**—By Bray.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to racial and gender equity in the membership of boards, commissions, committees, and councils.

**SB 720**—By Bray.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to public roadways.

**SB 721**—By Nodler.

An Act to repeal section 407.1243, RSMo, and to enact in lieu thereof one new section relating to travel clubs.

**SB 722**—By Bray.

An Act to amend chapter 354, RSMo, by adding thereto twenty-two new sections relating to the Missouri universal health assurance program, with a contingent effective date for certain sections.

**SB 723**—By Bray.

An Act to repeal section 226.550, RSMo, and to enact in lieu thereof one new section relating to the levying of assessment fees to pay for the removal of outdoor advertising signs.

**SB 724**—By Griesheimer.

An Act to repeal sections 407.810, 407.815, 407.817, 407.822, 407.825, 407.828, 407.830, and 407.835, RSMo, and to enact in lieu thereof fourteen new sections relating to motor vehicle franchise practices.

**SB 725**—By Rupp.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to substance abuse of applicants and recipients of temporary assistance for needy families benefits.



**SB 726**–By Bray.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a sales and use tax exemption for certain training programs.

**SB 727**–By Bray.

An Act to amend chapter 407, RSMo, by adding thereto eleven new sections relating to consumer protection for home owners, with penalty provisions.

**SB 728**–By Crowell.

An Act to repeal sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.1205, 100.286, 100.297, 100.850, 135.090, 135.305, 135.327, 135.352, 135.460, 135.484, 135.490, 135.535, 135.545, 135.546, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.710, 135.750, 135.766, 135.967, 208.770, 253.550, 253.559, 320.093, 348.430, 348.432, 348.434, 348.505, 447.708, 620.495, 620.1039, 620.1881, and 660.055, RSMo, and to enact in lieu thereof forty-one new sections relating to the allocation of tax credits by appropriation, with penalty provisions and an expiration date for a certain section.

**SB 729**–By McKenna.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the political subdivision construction bidding standards act.

**SB 730**–By Schaefer, Engler, Stouffer, Callahan and Schmitt.

An Act to repeal section 21.145, RSMo, and to enact in lieu thereof one new section relating to the daily expense allowance for senators and representatives, with an emergency clause.

**SB 731**–By Crowell.

An Act to repeal sections 217.750, 559.600, 559.602, and 559.604, RSMo, and to enact in lieu thereof four new sections relating to private probation services.

**SB 732**–By Cunningham.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to intellectual diversity.

**SJR 19**–By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the highways and transportation commission authority to finance, construct, operate, and maintain toll facilities.

**SJR 20**–By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

**SJR 21**–By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, relating to the Missouri savings account fund.

**SJR 22**—By Callahan.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to creation of show-me small business districts.

**SJR 23**—By Ridgeway.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2 of article XIII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to political subdivisions participating in a public health insurance option sponsored by the federal government.

**SJR 24**—By Wilson.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to creation of tax free zones.

**SJR 25**—By Cunningham, Lembke, Engler, Nodler, Scott, Lager, Mayer, Griesheimer, Bartle, Dempsey, Champion, Crowell, Ridgeway, Goodman, Stouffer, Schmitt, Purgason, Rupp, Schaefer and Clemens.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to prohibiting laws interfering with freedom of choice in health care.

**SJR 26**—By Cunningham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3 and 4(b) of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the assessment of real property.

**SJR 27**—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 25(a) and 25(c)(1) of article V of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to judicial appointments.

**SJR 28**—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to judicial salaries.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 733**—By Pearce.

An Act to repeal section 173.250, RSMo, and to enact in lieu thereof one new section relating to the higher education academic scholarship program.

**SB 734**—By Pearce.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to fine arts education.

**SB 735**—By Cunningham.

An Act to amend chapter 182, RSMo, by adding thereto one new section relating to public libraries, with penalty provisions.

**SB 736—By McKenna.**

An Act to repeal sections 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071, RSMo, and to enact in lieu thereof seventeen new sections relating to collection of taxes.

**CONCURRENT RESOLUTIONS**

Senator Pearce offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 31**

WHEREAS, international education is a critical component of higher education in Missouri and contributes to the economy of the state and to a diverse college environment, enhancing both academic and extra-curricular programs; and

WHEREAS, international education is critical to promoting a broadened worldview and therefore preparing Missourians for life and work in the global economy and creating a diverse academic environment by exchanging scholars and students between countries and building the foundation for future business success; and

WHEREAS, higher education should emphasize international education, including foreign language instruction and study abroad, in order to ensure graduates have the cross-cultural skills necessary to function effectively in the global workforce; and

WHEREAS, the Missouri General Assembly recognizes the social importance of cultural awareness, the need to promote study-abroad programs that serve Missouri students and the economic significance of international students who come to Missouri for educational opportunities provided by the state; and

WHEREAS, Missouri public and independent institutions of higher education and the Missouri Department of Higher Education, recognizing the importance of internationalizing curriculum and experiential learning, collaboratively established the Study Missouri Consortium; and

WHEREAS, the Study Missouri Consortium functions to support and enhance the capacity of member institutions, individually and collectively, to foster international experiences and cross-cultural competence among students, faculty, and citizens of Missouri and to facilitate communication, cooperation, and expansion of international educational activities and exchanges in the State of Missouri; and

WHEREAS, the net contribution to our state's economy by international students and their families was estimated at over \$270 million in 2008-2009 and a strategy at the state and national level is needed to ensure America's status as a magnet for international students and scholars; and

WHEREAS, the economy of Missouri is inextricably tied to the rest of the world and state economic development depends upon a deliberate strategic development plan that includes recognition of the role of international education in all its facets; and

WHEREAS, heightened cultural awareness is critical to national interests and is a critical component of foreign policy, and Missouri's colleges and universities play a key role in developing foreign language and foreign-area expertise by promoting language study, study abroad, and faculty exchange programs; and

WHEREAS, the United States' national security and economic interests and competitiveness depend significantly on the country's ability to provide future leaders with the best education possible:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, that international education is an essential component of the future of the State of Missouri and the Missouri General Assembly supports and encourages students and faculty to promote international education as a part of curricular and extra-curricular life at the state's colleges and universities to ensure that students and future leaders are prepared to meet the challenges of a global society; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each institution of higher education in this state.

Senator Crowell offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 32**

Relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

WHEREAS, the State Tax Commission is required pursuant to section 137.021 of the Revised Statutes of Missouri to biannually promulgate by regulation a value based upon productive capability for each grade of agricultural and horticultural land; and

WHEREAS, on December 21, 2009, the State Tax Commission filed with the Secretary of State a proposed amendment to 12 CSR 30-4.010 relating to agricultural land productive values; and

WHEREAS, the proposed amendment to 12 CSR 30-4.010 increases the values of various agricultural land grades beyond the level which the General Assembly considers to be fair and reasonable; and

WHEREAS, section 137.021 of the Revised Statutes of Missouri permits the General Assembly to disapprove, within the first sixty days of the regular session, the promulgated agricultural values:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the members of the General Assembly disapprove of the new agricultural land productive values contained in the proposed amendment to 12 CSR 30-4.010 and that the State Tax Commission shall continue to use values set forth in the most recent preceding regulation promulgated under section 137.021 of the Revised Statutes of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Missouri State Tax Commission.

Read 1st time.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

#### HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

#### HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-fifth General Assembly, Second Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

### INTRODUCTIONS OF GUESTS

Senator Barnitz introduced to the Senate, Mandi Scheulen, Linn.

Senator Bray introduced to the Senate, her mother, Mary Bray, Lubbock, Texas.

Senator Griesheimer introduced to the Senate, Jamie Nordwald, Warrenton.

Senator Shields introduced to the Senate, his son, Brandt, St. Joseph.

Senator Mayer introduced to the Senate, Mitchell Davis, Poplar Bluff.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, January 11, 2010.

## SENATE CALENDAR

---

SECOND DAY—MONDAY, JANUARY 11, 2010

---

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 577-Shields	SB 609-Green
SB 578-Shields	SB 610-Green
SB 579-Shields	SB 611-Green
SB 580-Griesheimer	SB 612-Wilson
SB 581-Griesheimer	SB 613-Wilson
SB 582-Griesheimer	SB 614-Wilson
SB 583-Champion	SB 615-Goodman
SB 584-Bartle	SB 616-Goodman
SB 585-Bartle	SB 617-Goodman
SB 586-Bartle	SB 618-Rupp, et al
SB 587-Nodler and Cunningham	SB 619-Rupp
SB 588-Nodler	SB 620-Rupp
SB 589-Nodler	SB 621-Lager
SB 590-Bray	SB 622-Shoemyer
SB 591-Bray	SB 623-Shoemyer
SB 592-Bray	SB 624-Shoemyer
SB 593-Days and Bray	SB 625-Justus and Keaveny
SB 594-Days	SB 626-Justus
SB 596-Callahan	SB 627-Justus
SB 597-Ridgeway	SB 628-Dempsey
SB 598-Ridgeway	SB 629-Dempsey
SB 599-Ridgeway	SB 630-Cunningham
SB 600-Crowell	SB 631-Cunningham
SB 602-Crowell	SB 632-Cunningham
SB 603-Mayer	SB 633-Pearce
SB 604-Mayer	SB 634-Pearce
SB 605-Mayer	SB 635-Pearce
SB 606-Stouffer	SB 636-Lembke
SB 607-Stouffer	SB 637-Lembke
SB 608-Stouffer	SB 638-Lembke

SB 639-Schmitt	SB 680-Crowell
SB 640-Wright-Jones	SB 681-Wilson
SB 641-Wright-Jones	SB 682-Wilson
SB 642-Wright-Jones	SB 683-Wilson
SB 643-Keaveny	SB 684-Rupp
SB 644-Shields	SB 685-Rupp
SB 645-Shields	SB 686-Rupp
SB 646-Bray	SB 687-Wright-Jones
SB 647-Bray	SB 688-Wright-Jones
SB 648-Bray	SB 689-Wright-Jones
SB 649-Days and Wright-Jones	SB 690-Bray
SB 650-Days	SB 691-Wilson
SB 651-Days, et al	SB 692-Wilson
SB 652-Ridgeway	SB 693-Wilson
SB 653-Crowell	SB 694-Wright-Jones
SB 654-Crowell	SB 695-Wright-Jones
SB 655-Crowell	SB 696-Wright-Jones
SB 657-Mayer	SB 697-Wright-Jones and Keaveny
SB 658-Stouffer and Keaveny	SB 698-Griesheimer
SB 659-Stouffer	SB 699-Wilson
SB 660-Wilson	SB 700-Lager
SB 661-Wilson	SB 701-McKenna and Keaveny
SB 662-Wilson	SB 703-Vogel
SB 663-Rupp	SB 704-Griesheimer
SB 664-Rupp	SB 705-Griesheimer
SB 665-Rupp	SB 706-Rupp
SB 666-Shoemyer	SB 707-McKenna
SB 667-Shoemyer	SB 708-McKenna
SB 668-Justus	SB 709-Shoemyer
SB 669-Justus	SB 710-Bray
SB 670-Justus	SB 711-Bray
SB 671-Cunningham	SB 712-Bray
SB 672-Cunningham	SB 713-Mayer
SB 673-Pearce	SB 714-Crowell
SB 674-Wright-Jones	SB 715-Crowell
SB 675-Wright-Jones	SB 716-Goodman
SB 676-Wright-Jones	SB 717-Vogel
SB 677-Bray	SB 718-Crowell
SB 678-Bray	SB 719-Bray
SB 679-Bray	SB 720-Bray

SB 721-Nodler	SB 734-Pearce
SB 722-Bray	SB 735-Cunningham
SB 723-Bray	SB 736-McKenna
SB 724-Griesheimer	SJR 19-Bartle
SB 725-Rupp	SJR 20-Bartle
SB 726-Bray	SJR 21-Bartle
SB 727-Bray	SJR 22-Callahan
SB 728-Crowell	SJR 23-Ridgeway
SB 729-McKenna	SJR 24-Wilson
SB 730-Schaefer, et al	SJR 25-Cunningham, et al
SB 731-Crowell	SJR 26-Cunningham
SB 732-Cunningham	SJR 27-Lembke
SB 733-Pearce	SJR 28-Lembke

#### INFORMAL CALENDAR

#### RESOLUTIONS

#### To be Referred

SCR 31-Pearce

SCR 32-Crowell

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SECOND DAY—MONDAY, JANUARY 11, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“To you, O LORD, I lift up my soul. O my God, in you I trust; do not let me be put to shame;...” (Psalm 25:1)

O God, we give You thanks for bringing us safely here this day, to continue our work and be of service to You. Keep us mindful that all we say and do are a witness to who we truly are, and what we believe and we ask You help us to avoid any and all things that would not result in positive outcomes. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Wednesday, January 6, 2010 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Pearce—1

Vacancies—None

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Callahan offered Senate Resolution No. 1328, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ron Stewart, Independence, which was adopted.

Senator Purgason offered Senate Resolution No. 1329, regarding Dalton Blackwell, which was adopted.

Senator Crowell offered Senate Resolution No. 1330, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Schreiner, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1331, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Dixon, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1332, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Trentham, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1333, regarding the Seventy-second Wedding Anniversary of Mr. and Mrs. Herbert Werner, Jackson, which was adopted.

Senator Scott offered Senate Resolution No. 1334, regarding the Eightieth Anniversary of the Missouri Federation of Republican Women, which was adopted.

Senator Crowell offered Senate Resolution No. 1335, regarding Koehler Bookkeeping and Tax Service, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1336, regarding Ross Furniture, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1337, regarding Proctor and Gamble Paper Products, Cape Girardeau, which was adopted.

Senator Lembke offered Senate Resolution No. 1338, regarding Notre Dame High School, St. Louis, which was adopted.

Senator Barnitz offered Senate Resolution No. 1339, regarding the 2009 state champion Osage County R-I High School track and field team, which was adopted.

Senator Champion offered Senate Resolution No. 1340, regarding Edna Albietman, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1341, regarding the One Hundredth Birthday of Ethel Frances McGinnis Taft, Springfield, which was adopted.

Senator Schmitt offered the following resolution:

**SENATE RESOLUTION NO. 1342**

WHEREAS, the Missouri Senate recognizes the important contribution of Community Colleges to the higher education system of the state of Missouri; and

WHEREAS, the Missouri Community College Association serves the educational needs of the citizens of the state of Missouri by offering educational leadership through the state's community colleges; and

WHEREAS, the Missouri Senate has maintained a policy of granting the use of the Senate Chamber for beneficial purposes:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly, hereby grant the Missouri Community College Association use of the Senate Chamber on Monday, February 22, 2010, from 9:30 a.m. to 11:00 a.m.

Senator Schmitt requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1342** up for adoption, which request was granted.

On motion of Senator Schmitt, **SR 1342** was adopted.

Senator Bray offered the following resolution:

SENATE RESOLUTION NO. 1343

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2010, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly, hereby grant the adult leaders and participants of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session from 9:00 am to 12:30 pm on June 23, 2010.

Senator Bray requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1343** up for adoption, which request was granted.

On motion of Senator Bray, **SR 1343** was adopted.

**CONCURRENT RESOLUTIONS**

Senator Nodler offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 33

WHEREAS, a strong national economy and the financial well-being of millions of citizens in Missouri and across America are dependent upon the continued financial vitality of our small businesses and family farms; and

WHEREAS, the economic viability of our small businesses and family farms is directly tied to the ability of our state and the nation's community depository financial institutions to provide needed credit and to permit their borrowers to restructure existing debt in a responsible and reasonable manner; and

WHEREAS, problems which now pervade our economy but are expected to be transitory in nature have placed severe financial pressure on a number of small businesses and family farms and have, in turn, resulted in escalating levels of loan defaults and depressed property values; and

WHEREAS, these economic difficulties combined with a harsher examination environment and increases in required capitalization levels by regulators have made it extremely difficult, and often impossible, for community depository institutions to maintain their capital at levels currently mandated by their regulators without severely limiting the ability of many of these community depository institutions to continue to make the same levels of credit available as prior to this period of economic distress; and

WHEREAS, the foregoing have had and are continuing to have spiraling downward effects on the ability of many small businesses and family farms to remain viable employers and strong components of our state's and the nation's economies; and

WHEREAS, under difficult economic conditions which occurred in the late 1980's, federal and state agencies that regulate community depository institutions developed appropriate capital forbearance, trouble debt restructuring accounting practices, and other policies to assist those institutions that were well-managed; and

WHEREAS, these measures were undertaken to ensure that these community depository institutions remained viable sources of financial strength for their communities and to assist them in providing borrowers reasonable and responsible allocations of credit so as to enable deserving borrowers to weather temporary economic pressures, maintain access to reliable sources of credit, and remain as important sources

of employment and economic strength, and

WHEREAS, members of Congress are increasingly recognizing the need for regulatory forbearance to support community depository institution lending throughout our country, as well as to support the small business and family farm customers of community depository institutions. To date, this recognition has been in the form of numerous Congressional hearings and meetings with community depository institutions and their federal depository institution regulators, as well as in the form of the recent House Resolution introduced by Representative Coffman (CO-R); and originally co-sponsored by Representatives Perlmutter (CO-D) and Luetkemeyer (MO-R); the letter to the federal depository institution regulators from Representatives Frank (MA-D) and Minnick (ID-D); and the letter to the federal depository institution regulators from Representative Skelton (MO-D) all calling for regulatory forbearance, temperance, and measured oversight of community depository institutions so as to not unduly restrict access to credit:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby encourage the Congress of the United States to urge the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Reserve Board, and all other agencies, state and federal, that regulate the conduct and affairs of community depository institutions, to develop appropriate policies that will:

(1) Permit well-managed community depository institutions to temporarily maintain capital at levels less than that currently required, conditioned upon the submission and regulatory approval of an appropriate plan to restore capital levels by a date certain as determined by the appropriate agencies; and

(2) Permit well-managed community depository institutions to temporarily account for troubled debt restructuring in a manner which allows a loan to continue to be carried on the institution's books without loss recognition if the loan is formally restructured in a manner so that it is probable that the borrower can repay the loan under the new terms and that the total future cash payments at least equal the loan amount on the institution's books; and

(3) Ensure that field examiners are not inappropriately classifying loans based on judgments about, or relationship of, various types of loans, to currently stressed sectors of the economy apart from the ability of the loans to show likelihood of repayment based on positive cash flows, ample amounts of collateral, and other mitigating factors; and

(4) Include such additional temporary accommodations for well-managed community depository institutions as the agencies determine are appropriate, including regulatory forbearance similar to that provided in the 1980's, to assist those institutions in remaining vital sources of financial strength for their communities, while maintaining needed standards to assure the continued financial integrity of those institutions and communities.

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Reserve Board, and the members of the Missouri congressional delegation.

Senators Lembke, Cunningham, Rupp, Purgason, Mayer, Nodler and Schmitt offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 34

WHEREAS, in the American system, sovereignty is defined as final authority, and the people, not government, are sovereign; and

WHEREAS, the people of the state of Missouri are not united with the people of the other forty-nine states that comprise the United States of America on a principle of unlimited submission to their federal government; and

WHEREAS, all power not delegated by the people to government is retained; and

WHEREAS, the people of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes only; and

WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that which has been delegated by the people to the federal government in the Constitution of the United States, and also that which is necessary and proper to advancing those enumerated powers; with the rest being left to state governments or the people themselves; and

WHEREAS, powers, too numerous to list for the purposes of this resolution, have been exercised, past and present, by federal administrations, under the leadership of both Democrats and Republicans, which infringe on the sovereignty of the people of this state, and

may further violate the Constitution of the United States; and

WHEREAS, when powers are assumed by the federal government which have not been delegated to it by the people, a nullification of the act is the rightful remedy; that without this remedy, the people of Missouri would be under the dominion, absolute and unlimited, of whoever might exercise this right of judgment for them:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby affirm the sovereignty of the people of Missouri under the Tenth Amendment to the Constitution of the United States over all powers not otherwise delegated to the federal government by the Constitution of the United States; and

BE IT FURTHER RESOLVED that this resolution shall serve as a notice and demand to the federal government to cease and desist any and all activities outside the scope of their constitutionally-delegated powers; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri congressional delegation.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 737**—By Days.

An Act to repeal sections 447.536 and 447.560, RSMo, and to enact in lieu thereof two new sections relating to lost and unclaimed property.

**SB 738**—By Crowell.

An Act to repeal section 556.021, RSMo, and to enact in lieu thereof two new sections relating to infractions, with penalty provisions and an emergency clause.

**SB 739**—By Lembke.

An Act to repeal section 320.097, RSMo, and to enact in lieu thereof one new section relating to fire department employee residency requirements.

**SB 740**—By Lembke.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to unlawful use of weapons, with penalty provisions.

**SB 741**—By Griesheimer.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to recall of ambulance district board members.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

#### **HOUSE CONCURRENT RESOLUTION NO. 1**

BE IT RESOLVED, by the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Wednesday, January 20, 2010, to receive a message from His Excellency, the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-fifth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of

Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

#### HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, February 3, 2010, to receive a message from His Honor Chief Justice Ray Price, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-fifth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

#### REFERRALS

President Pro Tem Shields referred **SCR 31** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

#### SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 32**—Rules, Joint Rules, Resolutions and Ethics.

#### COMMUNICATIONS

President Pro Tem Shields submitted the following:

November 18, 2009

The Honorable Senator Charlie Shields  
State Capitol, Room 326  
Jefferson City, Missouri 65101

Dear Senator Shields:

Pursuant to Rule 12, I hereby appoint Senator Joe Keaveny to the following Senate standing committees:

- Financial & Governmental Organizations and Elections;
- Health, Mental Health, Seniors and Families;
- Judiciary and Civil and Criminal Jurisprudence;
- Veteran Affairs, Pensions and Urban Affairs

In addition, I recommend him for your appointment to the following interim or joint committees:

- Governor's Council on Physical Fitness and Health;
- Joint Interim Committee on Oversight of the Federal Stimulus and Stabilization Funds;
- Joint Committee on Legislative Research;
- Joint Committee on Public Employee Retirement;

- Senate Educated Citizenry 2020 Committee;
- Health Care Stabilization Fund Feasibility Board.

Sincerely,  
/s/ Victor Callahan  
Victor Callahan  
Minority Floor Leader

Also,

November 18, 2009

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

I hereby appoint Senator Joe Keaveny to the following interim or joint committees:

- Governor's Council on Physical Fitness and Health;
- Joint Interim Committee on Oversight of the Federal Stimulus and Stabilization Funds;
- Joint Committee on Public Employee Retirement;
- Senate Educated Citizenry 2020 Committee.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields  
Charles W. Shields

Also,

November 23, 2009

The Honorable Charlie Shields  
President Pro-Tem of the Senate  
State Capitol, Room 326  
Jefferson City, Missouri 65101

Dear Senator Shields:

Please let this correspondence serve as my resignation from the Health Care Stabilization Fund Feasibility Board. I recommend that Senator Joe Keaveny be appointed to replace me.

Sincerely,  
/s/ Victor Callahan  
Victor Callahan

Also,

November 24, 2009

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 323  
Jefferson City, MO 65101

Dear Ms. Spieler,

Due to the resignation of Senator Victor Callahan, I hereby appoint Senator Joe Keaveny to the Health Care Stabilization Fund Feasibility

Board.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields

Charles W. Shields

Also,

November 30, 2009

The Honorable Charlie Shields

President Pro Tem

State Capitol Building, Room 326

Jefferson City, MO 65101

Dear Senator Shields:

Please accept this letter as my resignation as a member and the Chairman of the Senate Appropriations Committee.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

/s/ Gary Nodler

Gary Nodler

State Senator, 32<sup>nd</sup> District

Also,

December 1, 2009

Ms. Terry Spieler

Secretary of the Senate

201 West Capitol Avenue

Room 325

Jefferson City, MO 65101

Dear Ms. Spieler,

I hereby appoint the following Senators to the Senate Appropriations Committee:

Senator Robert Mayer as Chair

Senator Kurt U. Schaefer as Vice-Chair

Senator Jim Lembke as a Member

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields

Charles W. Shields

Also,

December 1, 2009

Ms. Terry Spieler

Secretary of the Senate

201 West Capitol Avenue

Room 325

Jefferson City, MO 65101

Dear Ms. Spieler,

Please be advised that I have appointed Senator David Pearce as Chair and Senator Scott Rupp as Vice-Chair of the Senate Education

Committee.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields

Charles W. Shields

Also,

December 1, 2009

Ms. Terry Spieler

Secretary of the Senate

201 West Capitol Avenue

Room 325

Jefferson City, MO 65101

Dear Ms. Spieler,

I am hereby creating the Senate Select Committee on Re-Districting for the purposes of performing all the duties necessary for the General Assembly to prepare for its role in the 2010 Decennial Census. The Committee shall have leave of the Senate to continue its work until the commencement of the 96th General Assembly. The Committee will consist of six members, four of the majority party and two of the minority party. The appointees are as follows:

- Senator Scott Rupp, Chairman
- Senator Brad Lager, Vice Chairman
- Senator David Pearce
- Senator Jason Crowell
- Senator Victor Callahan
- Senator Robin Wright-Jones

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields

Charles W. Shields

Also,

December 4, 2009

Ms. Terry Spieler

Secretary of the Senate

201 West Capitol Avenue

Room 325

Jefferson City, MO 65101

Dear Ms. Spieler,

I hereby appoint Senator Kurt Schaefer as a Member to the Joint Committee on Capitol Improvements and Leases Oversight to replace Senator Gary Nodler.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields

Charles W. Shields

Also,



December 4, 2009

Ms. Stacy Preis  
Executive Director  
Joint Committee on Education  
201 West Capitol Avenue  
Room 502  
Jefferson City, MO 65109

Dear Ms. Preis,

I hereby appoint Senator David Pearce as a member to the Joint Committee on Education. This appointment will replace Senator Rob Mayer's slot.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields  
Charles W. Shields

Also,

December 7, 2009

Mr. Russ Hembree  
Director  
Joint Committee on Legislative Research  
201 West Capitol Avenue  
Room 117A  
Jefferson City, MO 65101

Dear Mr. Hembree,

By virtue of his resignation as Chair of the Senate Appropriations Committee, Senator Gary Nodler is no longer a member of the Joint Committee on Legislative Research.

This letter shall serve as notice of the new Senate Appropriations Committee Chairman, Senator Rob Mayer's appointment as a member to the Joint Committee on Legislative Research.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields  
Charles W. Shields

Also,

December 7, 2009

Honorable Charlie Shields  
President Pro Tem  
State Capitol Building  
Jefferson City, Mo 65101  
Dear Senator Shields:

This letter serves as notice that I am stepping down from my position as Vice-Chair of the Joint Committee on Education.

Sincerely,

/s/ Robert N. Mayer  
Senator Robert N. Mayer

Also,

January 11, 2010

Ms. Terry Spieler

Secretary of the Senate

201 West Capitol Avenue

Room 325

Jefferson City, MO 65101

Dear Ms. Spieler,

I hereby appoint Senator Joe Keaveny to fill the vacancy on the Joint Committee on Education.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields

Charles W. Shields

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

THIRD DAY—TUESDAY, JANUARY 12, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 577-Shields	SB 597-Ridgeway
SB 578-Shields	SB 598-Ridgeway
SB 579-Shields	SB 599-Ridgeway
SB 580-Griesheimer	SB 600-Crowell
SB 581-Griesheimer	SB 602-Crowell
SB 582-Griesheimer	SB 603-Mayer
SB 583-Champion	SB 604-Mayer
SB 584-Bartle	SB 605-Mayer
SB 585-Bartle	SB 606-Stouffer
SB 586-Bartle	SB 607-Stouffer
SB 587-Nodler and Cunningham	SB 608-Stouffer
SB 588-Nodler	SB 609-Green
SB 589-Nodler	SB 610-Green
SB 590-Bray	SB 611-Green
SB 591-Bray	SB 612-Wilson
SB 592-Bray	SB 613-Wilson
SB 593-Days and Bray	SB 614-Wilson
SB 594-Days	SB 615-Goodman
SB 596-Callahan	SB 616-Goodman

SB 617-Goodman	SB 662-Wilson
SB 618-Rupp, et al	SB 663-Rupp
SB 619-Rupp	SB 664-Rupp
SB 620-Rupp	SB 665-Rupp
SB 621-Lager	SB 666-Shoemyer
SB 622-Shoemyer	SB 667-Shoemyer
SB 623-Shoemyer	SB 668-Justus
SB 624-Shoemyer	SB 669-Justus
SB 625-Justus and Keaveny	SB 670-Justus
SB 626-Justus	SB 671-Cunningham
SB 627-Justus	SB 672-Cunningham
SB 628-Dempsey	SB 673-Pearce
SB 629-Dempsey	SB 674-Wright-Jones
SB 630-Cunningham	SB 675-Wright-Jones
SB 631-Cunningham	SB 676-Wright-Jones
SB 632-Cunningham	SB 677-Bray
SB 633-Pearce	SB 678-Bray
SB 634-Pearce	SB 679-Bray
SB 635-Pearce	SB 680-Crowell
SB 636-Lembke	SB 681-Wilson
SB 637-Lembke	SB 682-Wilson
SB 638-Lembke	SB 683-Wilson
SB 639-Schmitt	SB 684-Rupp
SB 640-Wright-Jones	SB 685-Rupp
SB 641-Wright-Jones	SB 686-Rupp
SB 642-Wright-Jones	SB 687-Wright-Jones
SB 643-Keaveny	SB 688-Wright-Jones
SB 644-Shields	SB 689-Wright-Jones
SB 645-Shields	SB 690-Bray
SB 646-Bray	SB 691-Wilson
SB 647-Bray	SB 692-Wilson
SB 648-Bray	SB 693-Wilson
SB 649-Days and Wright-Jones	SB 694-Wright-Jones
SB 650-Days	SB 695-Wright-Jones
SB 651-Days, et al	SB 696-Wright-Jones
SB 652-Ridgeway	SB 697-Wright-Jones and Keaveny
SB 653-Crowell	SB 698-Griesheimer
SB 654-Crowell	SB 699-Wilson
SB 655-Crowell	SB 700-Lager
SB 657-Mayer	SB 701-McKenna and Keaveny
SB 658-Stouffer and Keaveny	SB 703-Vogel
SB 659-Stouffer	SB 704-Griesheimer
SB 660-Wilson	SB 705-Griesheimer
SB 661-Wilson	SB 706-Rupp

SB 707-McKenna	SB 730-Schaefer, et al
SB 708-McKenna	SB 731-Crowell
SB 709-Shoemyer	SB 732-Cunningham
SB 710-Bray	SB 733-Pearce
SB 711-Bray	SB 734-Pearce
SB 712-Bray	SB 735-Cunningham
SB 713-Mayer	SB 736-McKenna
SB 714-Crowell	SB 737-Days
SB 715-Crowell	SB 738-Crowell
SB 716-Goodman	SB 739-Lembke
SB 717-Vogel	SB 740-Lembke
SB 718-Crowell	SB 741-Griesheimer
SB 719-Bray	SJR 19-Bartle
SB 720-Bray	SJR 20-Bartle
SB 721-Nodler	SJR 21-Bartle
SB 722-Bray	SJR 22-Callahan
SB 723-Bray	SJR 23-Ridgeway
SB 724-Griesheimer	SJR 24-Wilson
SB 725-Rupp	SJR 25-Cunningham, et al
SB 726-Bray	SJR 26-Cunningham
SB 727-Bray	SJR 27-Lembke
SB 728-Crowell	SJR 28-Lembke
SB 729-McKenna	

## INFORMAL CALENDAR

### RESOLUTIONS

HCR 1-Tilley (Engler)  
HCR 2-Tilley (Engler)

To be Referred

SCR 33-Nodler  
SCR 34-Lembke, et al

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

### THIRD DAY—TUESDAY, JANUARY 12, 2010

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“God opposes the proud, but gives grace to the humble.” (1 Peter 5:5)

Gracious God, order our footsteps this day by Your teachings and open our hearts by Your directing so we may be about the things that we have been elected to do and what we do is done with our conscience clear, and our decisions and lives righteous. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Scott offered Senate Resolution No. 1344, regarding Austin Daniel Palmer, Windsor, which was adopted.

Senator Stouffer offered Senate Resolution No. 1345, regarding William D. “Pete” Peterson, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1346, regarding John W. Bowen, Boonville, which was adopted.

Senator Lager offered Senate Resolution No. 1347, regarding the Ninetieth Birthday of Mary Belle Miller, Maryville, which was adopted.

## REFERRALS

President Pro Tem Shields referred **SCR 33** and **SCR 34** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## CONCURRENT RESOLUTIONS

Senator Stouffer offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 35

Relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

WHEREAS, the State Tax Commission is required pursuant to section 137.021 of the Revised Statutes of Missouri to biannually promulgate by regulation a value based upon productive capability for each grade of agricultural and horticultural land; and

WHEREAS, on December 21, 2009, the State Tax Commission filed with the Secretary of State a proposed amendment to 12 CSR 30-4.010 relating to agricultural land productive values; and

WHEREAS, the proposed amendment to 12 CSR 30-4.010 increases the values of various agricultural land grades beyond the level which the General Assembly considers to be fair and reasonable; and

WHEREAS, section 137.021 of the Revised Statutes of Missouri permits the General Assembly to disapprove, within the first sixty days of the regular session, the promulgated agricultural values:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the members of the General Assembly disapprove of the new agricultural land productive values contained in the proposed amendment to 12 CSR 30-4.010 and that the State Tax Commission shall continue to use values set forth in the most recent preceding regulation promulgated under section 137.021 of the Revised Statutes of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Missouri State Tax Commission.

Read 1st time.

## INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 742**—By Shoemyer.

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

**SB 743**—By Shoemyer.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a property tax for

cemetery maintenance.

**SB 744**—By Pearce.

An Act to amend chapters 376 and 630, RSMo, by adding thereto four new sections relating to the treatment of eating disorders.

**SB 745**—By Bray.

An Act to amend chapter 640, RSMo, by adding thereto five new sections relating to the Missouri uniform building energy code.

**SB 746**—By Griesheimer.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to billboards.

**SB 747**—By Rupp and Mayer.

An Act to repeal section 376.805, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for elective abortions.

**SB 748**—By Rupp.

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to the forfeiture of collecting noneconomic damages for failing to comply with the motor vehicle financial responsibility law.

**SB 749**—By Rupp.

An Act to amend chapters 41 and 42, RSMo, by adding thereto two new sections relating to exposure to depleted uranium by members of the military.

**SB 750**—By Rupp.

An Act to repeal section 307.173, RSMo, and to enact in lieu thereof one new section relating to tinted windows.

**SB 751**—By Lembke.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

**SB 752**—By Lembke.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a special license plate.

**SB 753**—By Dempsey.

An Act to repeal section 214.160, RSMo, and to enact in lieu thereof one new section relating to the investment of certain cemetery trust funds.

**SB 754**—By Dempsey.

An Act to repeal sections 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, and 214.550, RSMo, and to enact in lieu

thereof twenty-eight new sections relating to cemeteries, with penalty provisions.

**SJR 29**—By Purgason and Cunningham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 4 (d) of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the revenue-neutral replacement of all taxes on income with an amended sales and use tax.

Senator Griesheimer requested unanimous consent of the Senate to withdraw **SB 704**, which request was granted.

### CONCURRENT RESOLUTIONS

Senator Engler moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Engler, **HCR 1** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Cunningham—1

Absent with leave—Senators—None

Vacancies—None

Senator Engler moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Engler, **HCR 2** was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

### INTRODUCTIONS OF GUESTS

On behalf of Senator Bray and herself, Senator Days introduced to the Senate, the Physician of the Day, Dr. Ed Weisbart, M.D., CPE, FAAFP, St. Louis.



Senator Champion introduced to the Senate, Randy Wright and Michelle Pence.

Senator Cunningham introduced to the Senate, Dr. Arthur Laffer, Tennessee; and Dr. Joe Haslag, Columbia.

Senator Barnitz introduced to the Senate, coaches Jeremy McKague and Kyle Burkett, managers Jordan Staley, Thomas Sieg and David Zhou and members of the Class 1 Champion Osage County R-I School District's 2009 high school track and field team: John Martellaro, Jason Rost, Josh Kuhn, Tyler Seifert, Tyler Malone, Andrew Mehmert, Christian McCollum, Michael Hopkins, Chris Viele, Ethan Hagenhoff, Dylan Barnes, Zac Malone, Brady Stone, and Jacob Trachsel.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

FOURTH DAY–WEDNESDAY, JANUARY 13, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 577-Shields	SB 599-Ridgeway
SB 578-Shields	SB 600-Crowell
SB 579-Shields	SB 602-Crowell
SB 580-Griesheimer	SB 603-Mayer
SB 581-Griesheimer	SB 604-Mayer
SB 582-Griesheimer	SB 605-Mayer
SB 583-Champion	SB 606-Stouffer
SB 584-Bartle	SB 607-Stouffer
SB 585-Bartle	SB 608-Stouffer
SB 586-Bartle	SB 609-Green
SB 587-Nodler and Cunningham	SB 610-Green
SB 588-Nodler	SB 611-Green
SB 589-Nodler	SB 612-Wilson
SB 590-Bray	SB 613-Wilson
SB 591-Bray	SB 614-Wilson
SB 592-Bray	SB 615-Goodman
SB 593-Days and Bray	SB 616-Goodman
SB 594-Days	SB 617-Goodman
SB 596-Callahan	SB 618-Rupp, et al
SB 597-Ridgeway	SB 619-Rupp
SB 598-Ridgeway	SB 620-Rupp

SB 621-Lager	SB 662-Wilson
SB 622-Shoemyer	SB 663-Rupp
SB 623-Shoemyer	SB 664-Rupp
SB 624-Shoemyer	SB 665-Rupp
SB 625-Justus and Keaveny	SB 666-Shoemyer
SB 626-Justus	SB 667-Shoemyer
SB 627-Justus	SB 668-Justus
SB 628-Dempsey	SB 669-Justus
SB 629-Dempsey	SB 670-Justus
SB 630-Cunningham	SB 671-Cunningham
SB 631-Cunningham	SB 672-Cunningham
SB 632-Cunningham	SB 673-Pearce
SB 633-Pearce	SB 674-Wright-Jones
SB 634-Pearce	SB 675-Wright-Jones
SB 635-Pearce	SB 676-Wright-Jones
SB 636-Lembke	SB 677-Bray
SB 637-Lembke	SB 678-Bray
SB 638-Lembke	SB 679-Bray
SB 639-Schmitt	SB 680-Crowell
SB 640-Wright-Jones	SB 681-Wilson
SB 641-Wright-Jones	SB 682-Wilson
SB 642-Wright-Jones	SB 683-Wilson
SB 643-Keaveny	SB 684-Rupp
SB 644-Shields	SB 685-Rupp
SB 645-Shields	SB 686-Rupp
SB 646-Bray	SB 687-Wright-Jones
SB 647-Bray	SB 688-Wright-Jones
SB 648-Bray	SB 689-Wright-Jones
SB 649-Days and Wright-Jones	SB 690-Bray
SB 650-Days	SB 691-Wilson
SB 651-Days, et al	SB 692-Wilson
SB 652-Ridgeway	SB 693-Wilson
SB 653-Crowell	SB 694-Wright-Jones
SB 654-Crowell	SB 695-Wright-Jones
SB 655-Crowell	SB 696-Wright-Jones
SB 657-Mayer	SB 697-Wright-Jones and Keaveny
SB 658-Stouffer and Keaveny	SB 698-Griesheimer
SB 659-Stouffer	SB 699-Wilson
SB 660-Wilson	SB 700-Lager
SB 661-Wilson	SB 701-McKenna and Keaveny

SB 703-Vogel	SB 735-Cunningham
SB 705-Griesheimer	SB 736-McKenna
SB 706-Rupp	SB 737-Days
SB 707-McKenna	SB 738-Crowell
SB 708-McKenna	SB 739-Lembke
SB 709-Shoemyer	SB 740-Lembke
SB 710-Bray	SB 741-Griesheimer
SB 711-Bray	SB 742-Shoemyer
SB 712-Bray	SB 743-Shoemyer
SB 713-Mayer	SB 744-Pearce
SB 714-Crowell	SB 745-Bray
SB 715-Crowell	SB 746-Griesheimer
SB 716-Goodman	SB 747-Rupp and Mayer
SB 717-Vogel	SB 748-Rupp
SB 718-Crowell	SB 749-Rupp
SB 719-Bray	SB 750-Rupp
SB 720-Bray	SB 751-Lembke
SB 721-Nodler	SB 752-Lembke
SB 722-Bray	SB 753-Dempsey
SB 723-Bray	SB 754-Dempsey
SB 724-Griesheimer	SJR 19-Bartle
SB 725-Rupp	SJR 20-Bartle
SB 726-Bray	SJR 21-Bartle
SB 727-Bray	SJR 22-Callahan
SB 728-Crowell	SJR 23-Ridgeway
SB 729-McKenna	SJR 24-Wilson
SB 730-Schaefer, et al	SJR 25-Cunningham, et al
SB 731-Crowell	SJR 26-Cunningham
SB 732-Cunningham	SJR 27-Lembke
SB 733-Pearce	SJR 28-Lembke
SB 734-Pearce	SJR 29-Purgason and Cunningham

## INFORMAL CALENDAR

## RESOLUTIONS

To be Referred

SCR 35-Stouffer



# Journal of the Senate

## SECOND REGULAR SESSION

---

**FOURTH DAY—WEDNESDAY, JANUARY 13, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The will of God will never take you where the grace of God cannot keep you.” (Unknown)

Heavenly Father, we are only midway through our first week and already things are piling up and there is much to do, people to see and meetings to attend. Direct us along the path You would have us take and help us to pursue and do those things that are necessary and right. Then our future journey has no fear for You will sustain us and stand with us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senators

Lager                Ridgeway—2

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

On behalf of Senator Lager, Senator Engler offered Senate Resolution No. 1348, regarding Aric Glenn Helmandollar, Trenton, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1349, regarding John E. Dial, Mexico, which was adopted.

Senator Dempsey offered Senate Resolution No. 1350, regarding Dr. Norman W. Freiburger, St. Charles, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1351, regarding Carol Markham, Sullivan, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1352, regarding John W. Waller, Sullivan, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1353, regarding Warren Wiedemann, New Haven, which was adopted.

Senator Dempsey offered Senate Resolution No. 1354, regarding Dillon James Roemer, St. Charles, which was adopted.

Senator Goodman offered Senate Resolution No. 1355, regarding Amanda Bradshaw, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 1356, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ted Fees, Mt. Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 1357, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Raymond Estes, Miller, which was adopted.

Senator Goodman offered Senate Resolution No. 1358, regarding Dan Akin, Crane, which was adopted.

Senator Justus offered Senate Resolution No. 1359, regarding the Society of St. Andrew-West, Kansas City, which was adopted.

Senator Champion offered Senate Resolution No. 1360, regarding the Springfield Branch of the National Association for the Advancement of Colored People, which was adopted.

Senator Nodler offered Senate Resolution No. 1361, regarding Laurel Rosenthal, Carthage, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Schmitt offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 36**

WHEREAS, the federal public debt has surpassed twelve trillion dollars, which equates to tens of thousands of dollars for each person in the United States; and

WHEREAS, the Emergency Economic Stabilization Act of 2008, commonly known as the “bailout plan” authorized the United States Treasury to spend up to seven hundred billion dollars with little or no transparency or accountability regarding the use of taxpayers' money; and

WHEREAS, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

WHEREAS, fiscal irresponsibility at the federal level is creating an extraordinary financial burden to be carried by future generations

of this country; and

WHEREAS, the federal government's seemingly unlimited borrowing of money raises questions about the fundamental principles and responsibilities of government, with potentially profound consequences for this nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

WHEREAS, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge Congress to adopt a balanced budget amendment to the United States Constitution that requires a balance in the projected revenues and expenditures of the United States federal government when preparing and approving the annual federal budget; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Missouri congressional delegation.

Senator Schmitt offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, recently in the Senate version of the Patient Protection and Affordable Care Act (HR 3590), a special deal was reportedly made by Nebraska Senator Ben Nelson whereby the state of Nebraska is permanently exempted from bearing the costs of newly eligible Nebraska Medicaid enrollees; and

WHEREAS, such exemption has not been afforded to Missouri or any of the other 48 states; and

WHEREAS, all other states except Nebraska will be required to allocate substantial sums to accommodate the federal health care bill's new Medicaid mandates; and

WHEREAS, it has also been reported that Senator Nelson's vote for passage of the bill was secured only after the deal was made; and

WHEREAS, this "Nebraska Compromise" strikes a blow to the nation's collective confidence in elected officials in Washington, D.C. and violates basic notions of fundamental fairness:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby call on Missouri Attorney General Chris Koster to join the 13 other state attorneys general from across the nation in challenging the special deal; and

BE IT FURTHER RESOLVED that Attorney General Koster thoroughly review the constitutionality and legality of this suspect provision in HR 3590 and stand up for Missouri taxpayers; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Attorney General Koster, the Governor, and each member of the Missouri congressional delegation.

Senator Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 38

WHEREAS, the Missouri General Assembly, acting with the best of intentions, applied to the Congress of the United States by resolution in accordance with Article V, Constitution of the United States, for a constitutional convention for the purpose of amending the Constitution of the United States; and

WHEREAS, Senate Concurrent Resolution No. 3, was passed by the Eighty-second General Assembly of the State of Missouri in 1983 specifically proposing a constitutional convention for the sole purpose of adopting an amendment requiring a balanced federal budget; and

WHEREAS, over the course of time, the will of the people of the State of Missouri has changed with regards to Missouri's previous call for a constitutional convention to amend the Constitution of the United States; and

WHEREAS, certain persons or states have called for a constitutional convention on issues that may be directly in opposition to the will of the people of this state; and

WHEREAS, the people of this state do not want their previous applications for a constitutional convention to be aggregated with those calls for a convention from other states; and

WHEREAS, former Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg and many other leading constitutional scholars are in general agreement that a convention, notwithstanding whatever limitation might be placed on it by the call for a convention, may propose sweeping constitutional changes or, by virtue of the authority of a constitutional convention, redraft the Constitution of the United States creating an imminent peril to the well established rights of citizens and to the duties of various levels of government; and

WHEREAS, the Constitution of the United States has been amended many times in the history of this nation and may be amended many more times without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and found to be a sound document that protects the lives and liberties of citizens; and

WHEREAS, there is no need for, and in fact there is great danger in, a new constitution or in opening the Constitution of the United States to radical changes, the adoption of which could create legal chaos in this nation and begin the process of another two centuries of litigation over its meaning and interpretation; and

WHEREAS, changes or amendments that may be needed in the present Constitution of the United States may be proposed and enacted without resorting to a constitutional convention by using the process provided in the Constitution and previously used throughout the history of this nation:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Missouri General Assembly hereby repeals, rescinds, cancels, renders null and void and supersedes any and all existing applications to the Congress of the United States for a constitutional convention under Article V of the Constitution of the United States for any purpose, whether limited or general; and

BE IT FURTHER RESOLVED that the Missouri General Assembly urges the legislature of each and every state that has applied to Congress for either a general or limited constitutional convention to repeal and rescind their applications; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of General Services in Washington, D.C., each member of Missouri's congressional delegation, and the Secretaries of State and presiding officers of both houses of the legislatures of each state in the Union.

## INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 755**—By Griesheimer.

An Act to repeal section 238.235, RSMo, and to enact in lieu thereof one new section relating to transportation development districts.

**SB 756**—By Bray.

An Act to repeal sections 77.110, 79.160, 80.210, and 115.127, RSMo, and to enact in lieu thereof four new sections relating to local government publication requirements.

**SB 757**—By Rupp.

An Act to repeal section 37.850, RSMo, and to enact in lieu thereof two new sections relating to the oversight of public funds, with an expiration date for a certain section.

**SB 758**—By Rupp and Keaveny.

An Act to repeal section 70.373, RSMo, and to enact in lieu thereof one new section relating to interstate compact agencies.

**SB 759**—By Green and Keaveny.

An Act to repeal sections 409.1-102, 409.2-202, 409.3-304, 409.4-401, 409.4-404, 409.4-408, 409.4-412, 409.5-501, 409.6-604, and 409.6-607, RSMo, and to enact in lieu thereof ten new sections relating to

the Missouri securities act.

**SB 760**—By Green and Keaveny.

An Act to repeal sections 376.309 and 409.1-102, RSMo, and to enact in lieu thereof two new sections relating to securities regulation.

**SB 761**—By Green.

An Act to repeal sections 105.510 and 105.520, RSMo, and to enact in lieu thereof two new sections relating to bargaining for public employees.

**SB 762**—By Green.

An Act to amend chapter 389, RSMo, by adding thereto twelve new sections relating to regulation of contract carriers that transport railroad employees, with penalty provisions and an emergency clause.

**SB 763**—By Green and Cunningham.

An Act to repeal section 204.700, RSMo, and to enact in lieu thereof one new section relating to storm water management.

**SB 764**—By Green.

An Act to amend chapter 292, RSMo, by adding thereto fourteen new sections relating to crane safety.

**SB 765**—By Shoemyer.

An Act to repeal section 99.1205, RSMo, and to enact in lieu thereof three new sections relating to a tax credit for equity investments in qualified Missouri businesses.

**SB 766**—By Shoemyer.

An Act to amend chapter 266, RSMo, by adding thereto five new sections relating to private investigations for farm commodities.

**SB 767**—By Bartle.

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to funds for courtroom renovation and technology enhancement.

**SB 768**—By Bartle.

An Act to repeal sections 167.151 and 168.151, RSMo, and to enact in lieu thereof two new sections relating to payment of tuition for certain nonresident students in certain school districts, with penalty provisions for a certain section.

**SB 769**—By Scott.

An Act to repeal sections 144.025 and 144.027, RSMo, and to enact in lieu thereof two new sections relating to sales tax for trade-in or exchange transactions.

**SB 770**—By Scott.

An Act to repeal section 376.1350, RSMo, and to enact in lieu thereof one new section relating to supplemental insurance policies.

**SB 771**—By Scott.

An Act to repeal sections 110.140, 110.150, and 110.170, RSMo, and to enact in lieu thereof three new



sections relating to depositaries for public funds, with penalty provisions.

**SB 772**—By Scott.

An Act to repeal section 166.420, RSMo, and to enact in lieu thereof one new section relating to the minimum time for holding investments in the Missouri higher education savings program.

**SB 773**—By Dempsey.

An Act to repeal section 362.111, RSMo, and to enact in lieu thereof one new section relating to international transactions.

**SB 774**—By Lembke.

An Act to repeal section 630.170, RSMo, and to enact in lieu thereof two new sections relating to department of mental health protection measures, with penalty provisions.

**SJR 30**—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 11(c) and 24 of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to voter approval requirements for taxes.

**SJR 31**—By Scott.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to religious freedom.

Senator Griesheimer requested unanimous consent of the Senate to withdraw **SB 582**, which request was granted.

## **SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 35**—Rules, Joint Rules, Resolutions and Ethics.

Senator Dempsey assumed the Chair.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 577**—Rules, Joint Rules, Resolutions and Ethics.

**SB 578**—Ways and Means.

**SB 579**—General Laws.

**SB 580**—Jobs, Economic Development and Local Government.

**SB 581**—Jobs, Economic Development and Local Government.

**SB 583**—Small Business, Insurance and Industry.

**SB 584**—Governmental Accountability and Fiscal Oversight.

**SB 585**—Transportation.

**SB 586**—Judiciary and Civil and Criminal Jurisprudence.

**SB 587**—General Laws.

**SB 588**—Ways and Means.

**SB 589**—Financial and Governmental Organizations and Elections.

**SB 590**—Judiciary and Civil and Criminal Jurisprudence.

**SB 591**—Judiciary and Civil and Criminal Jurisprudence.

**SB 592**—Judiciary and Civil and Criminal Jurisprudence.

**SB 593**—Financial and Governmental Organizations and Elections.

**SB 594**—Health, Mental Health, Seniors and Families.

**SB 596**—Progress and Development.

**SB 597**—Financial and Governmental Organizations and Elections.

**SB 598**—Ways and Means.

**SB 599**—Financial and Governmental Organizations and Elections.

**SB 600**—General Laws.

**SB 602**—Health, Mental Health, Seniors and Families.

**SB 603**—Education.

**SB 604**—Agriculture, Food Production and Outdoor Resources.

**SB 605**—Jobs, Economic Development and Local Government.

**SB 606**—Health, Mental Health, Seniors and Families.

**SB 607**—Health, Mental Health, Seniors and Families.

**SB 608**—Governmental Accountability and Fiscal Oversight.

**SB 609**—Financial and Governmental Organizations and Elections.

**SB 610**—Commerce, Consumer Protection, Energy and the Environment.

**SB 611**—Health, Mental Health, Seniors and Families.

**SB 612**—Progress and Development.

**SB 613**—Progress and Development.

**SB 614**—Education.

**SB 615**—Health, Mental Health, Seniors and Families.

**SB 616**—Health, Mental Health, Seniors and Families.

**SB 617**—Judiciary and Civil and Criminal Jurisprudence.

**SB 618**—Small Business, Insurance and Industry.

**SB 619**—Jobs, Economic Development and Local Government.

**SB 620**—Judiciary and Civil and Criminal Jurisprudence.

**SB 621**—Commerce, Consumer Protection, Energy and the Environment.

**SB 622**—Agriculture, Food Production and Outdoor Resources.

**SB 623**—Governmental Accountability and Fiscal Oversight.

**SB 624**—Ways and Means.

**SB 625**—Health, Mental Health, Seniors and Families.

**SB 626**—Progress and Development.

**SB 627**—Health, Mental Health, Seniors and Families.

**SB 628**—Jobs, Economic Development and Local Government.

**SB 629**—Financial and Governmental Organizations and Elections.

**SB 630**—Ways and Means.

**SB 631**—Education.

**SB 632**—Judiciary and Civil and Criminal Jurisprudence.

**SB 633**—Commerce, Consumer Protection, Energy and the Environment.

**SB 634**—Governmental Accountability and Fiscal Oversight.

**SB 635**—Governmental Accountability and Fiscal Oversight.

**SB 636**—Judiciary and Civil and Criminal Jurisprudence.

**SB 637**—Transportation.

**SB 638**—Jobs, Economic Development and Local Government.

**SB 639**—Judiciary and Civil and Criminal Jurisprudence.

**SB 640**—Transportation.

**SB 641**—Education.

**SB 642**—Small Business, Insurance and Industry.

**SB 643**—General Laws.

**SB 644**—Ways and Means.

**SB 645**—Financial and Governmental Organizations and Elections.

**SB 646**—Judiciary and Civil and Criminal Jurisprudence.

**SB 647**—Progress and Development.

**SB 648**—Rules, Joint Rules, Resolutions and Ethics.

**SB 649**—Progress and Development.

**SB 650**—Health, Mental Health, Seniors and Families.

**SB 651**—Financial and Governmental Organizations and Elections.

**SB 652**—Judiciary and Civil and Criminal Jurisprudence.

- SB 653**—Judiciary and Civil and Criminal Jurisprudence.
- SB 654**—Governmental Accountability and Fiscal Oversight.
- SB 655**—Judiciary and Civil and Criminal Jurisprudence.
- SB 657**—Transportation.
- SB 658**—Governmental Accountability and Fiscal Oversight.
- SB 659**—Governmental Accountability and Fiscal Oversight.
- SB 660**—Judiciary and Civil and Criminal Jurisprudence.
- SB 661**—Commerce, Consumer Protection, Energy and the Environment.
- SB 662**—Commerce, Consumer Protection, Energy and the Environment.
- SB 663**—Commerce, Consumer Protection, Energy and the Environment.
- SB 664**—Judiciary and Civil and Criminal Jurisprudence.
- SB 665**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 666**—Financial and Governmental Organizations and Elections.
- SB 667**—Agriculture, Food Production and Outdoor Resources.
- SB 668**—Jobs, Economic Development and Local Government.
- SB 669**—Jobs, Economic Development and Local Government.
- SB 670**—Jobs, Economic Development and Local Government.
- SB 671**—Ways and Means.
- SB 672**—Education.
- SB 673**—Financial and Governmental Organizations and Elections.
- SB 674**—Commerce, Consumer Protection, Energy and the Environment.
- SB 675**—General Laws.
- SB 676**—Health, Mental Health, Seniors and Families.
- SB 677**—Commerce, Consumer Protection, Energy and the Environment.
- SB 678**—Transportation.
- SB 679**—Financial and Governmental Organizations and Elections.
- SB 680**—Commerce, Consumer Protection, Energy and the Environment.
- SB 681**—Ways and Means.
- SB 682**—Governmental Accountability and Fiscal Oversight.

### **RESOLUTIONS**

On behalf of Senator Lager, Senator Engler offered Senate Resolution No. 1362, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Courtney Goforth, Stanberry, which was adopted.

On behalf of Senator Lager, Senator Engler offered Senate Resolution No. 1363, regarding Isaac James Diamond, Savannah, which was adopted.

On behalf of Senator Lager, Senator Engler offered Senate Resolution No. 1364, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gary Cook, Maryville, which was adopted.

On behalf of Senator Lager, Senator Engler offered Senate Resolution No. 1365, regarding the One Hundredth Birthday of Margurite Roderick, Savannah, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Pearce introduced to the Senate, McDonald County Assessor Laura Pope; Johnson County Assessor Mark Reynolds; Pettis County Assessor Dean Dorhman; and Lafayette County Assessor Mike Dobson.

Senator Green introduced to the Senate, Ross Carter, Kirksville.

Senator Mayer introduced to the Senate, Chief of Police, Danny Whitely, Eddy Justice, Joe Clark, Herman Styles, Steve Boyer, David Libla, Jerrod Murphy and Doug Libla, Poplar Bluff.

Senator Clemens introduced to the Senate, Stephen and Jackie Snead and their son, Will, Turners.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Todd Bailey, M.D., St. Louis.

Senator Shields introduced to the Senate, NCSL Representatives Peggy Kerns and Natalie Wood, Denver.

Senator Stouffer introduced to the Senate, Vicky Ward, Ryan McElhaney, Jason Henke, Meredith Brunkow, Paige Yeates, Tessa Graybill, Allie Mayes, Sara Barney, Nicole Palmer, Samantha Linard, Isaac Hamilton, David Badami, Megan Jeffries and Abby McKern, members of Youth with Vision.

Senator Vogel introduced to the Senate, coaches Sharon Buschjost and Jill Linnebrink and members of the 2A State Champion Girls Blair Oaks Softball team.

Senator Shields introduced to the Senate, Drew Dampf, California.

On motion of Senator Engler, the Senate adjourned under the rules.

### **SENATE CALENDAR**

---

FIFTH DAY—THURSDAY, JANUARY 14, 2010

---

### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 683-Wilson  
SB 684-Rupp

SB 685-Rupp  
SB 686-Rupp

SB 687-Wright-Jones	SB 735-Cunningham
SB 688-Wright-Jones	SB 736-McKenna
SB 689-Wright-Jones	SB 737-Days
SB 690-Bray	SB 738-Crowell
SB 691-Wilson	SB 739-Lembke
SB 692-Wilson	SB 740-Lembke
SB 693-Wilson	SB 741-Griesheimer
SB 694-Wright-Jones	SB 742-Shoemyer
SB 695-Wright-Jones	SB 743-Shoemyer
SB 696-Wright-Jones	SB 744-Pearce
SB 697-Wright-Jones and Keaveny	SB 745-Bray
SB 698-Griesheimer	SB 746-Griesheimer
SB 699-Wilson	SB 747-Rupp and Mayer
SB 700-Lager	SB 748-Rupp
SB 701-McKenna and Keaveny	SB 749-Rupp
SB 703-Vogel	SB 750-Rupp
SB 705-Griesheimer	SB 751-Lembke
SB 706-Rupp	SB 752-Lembke
SB 707-McKenna	SB 753-Dempsey
SB 708-McKenna	SB 754-Dempsey
SB 709-Shoemyer	SB 755-Griesheimer
SB 710-Bray	SB 756-Bray
SB 711-Bray	SB 757-Rupp
SB 712-Bray	SB 758-Rupp and Keaveny
SB 713-Mayer	SB 759-Green and Keaveny
SB 714-Crowell	SB 760-Green and Keaveny
SB 715-Crowell	SB 761-Green
SB 716-Goodman	SB 762-Green
SB 717-Vogel	SB 763-Green and Cunningham
SB 718-Crowell	SB 764-Green
SB 719-Bray	SB 765-Shoemyer
SB 720-Bray	SB 766-Shoemyer
SB 721-Nodler	SB 767-Bartle
SB 722-Bray	SB 768-Bartle
SB 723-Bray	SB 769-Scott
SB 724-Griesheimer	SB 770-Scott
SB 725-Rupp	SB 771-Scott
SB 726-Bray	SB 772-Scott
SB 727-Bray	SB 773-Dempsey
SB 728-Crowell	SB 774-Lembke
SB 729-McKenna	SJR 19-Bartle
SB 730-Schaefer, et al	SJR 20-Bartle
SB 731-Crowell	SJR 21-Bartle
SB 732-Cunningham	SJR 22-Callahan
SB 733-Pearce	SJR 23-Ridgeway
SB 734-Pearce	SJR 24-Wilson

SJR 25-Cunningham, et al  
SJR 26-Cunningham  
SJR 27-Lembke  
SJR 28-Lembke

SJR 29-Purgason and Cunningham  
SJR 30-Bartle  
SJR 31-Scott

## INFORMAL CALENDAR

### RESOLUTIONS

#### To be Referred

SCR 36-Schmitt  
SCR 37-Schmitt

SCR 38-Rupp

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTH DAY—THURSDAY, JANUARY 14, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“God is our refuge and strength, a very present help in trouble. Therefore we will not fear though the earth should change.” (Psalm 46:1)

Gracious God, we do come to You in this time of grief for the nearly half a million who have died and the millions injured and homeless for the earth has changed and the rumbling continues. We pray that there will be an outpouring of response to relieve the suffering, heal the hurting and burying of the dead in Haiti. We pray You will provide hope and comfort and open our hearts to those in need. We are so mindful of the frailty of life and as we return to those we love may we be even more aware of the blessings we have been given and the gift of grace of life You continue to provide us for which we give You thanks and praise. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Scott	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

Absent—Senators—None

Absent with leave—Senators

Clemens	Lager	Ridgeway	Shields—4
---------	-------	----------	-----------

Vacancies—None

The Lieutenant Governor was present.



**RESOLUTIONS**

On behalf of Senator Lager, Senator Engler offered Senate Resolution No. 1366, regarding the One Hundredth Birthday of Gilbert Fitzpatrick, Fenton, which was adopted.

On behalf of Senator Shields, Senator Engler offered Senate Resolution No. 1367, regarding Jan Kauk, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 1368, regarding Ronald R. Davis, D.D.S., Wichita, Kansas, which was adopted.

Senator Justus offered Senate Resolution No. 1369, regarding Dorsey J. Moore, D.D.S., Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 1370, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank D. Crites, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1371, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lee Weed, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1372, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Al Pannier, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1373, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Lawrence Tucker, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1374, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roger Record, Benton, which was adopted.

Senator Crowell offered Senate Resolution No. 1375, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas Wall, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1376, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Marvin Aufdenberg, Burfordville, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 775**—By Days.

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to state funding for gifted education for elementary and secondary education.

**SB 776**—By Days.

An Act to repeal section 523.040, RSMo, and to enact in lieu thereof one new section relating to condemnation commissioners.

**SB 777**—By Pearce.

An Act to repeal sections 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof four new sections relating to the sale of deficiency waiver addendums and other similar products in certain loan transactions.

**SB 778**—By Pearce.

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by state universities.

**SB 779**—By Bartle.

An Act to repeal sections 488.5050 and 650.055, RSMo, and to enact in lieu thereof two new sections relating to DNA profiling, with penalty provisions and an emergency clause for a certain section.

**SB 780**—By Bartle.

An Act to repeal section 577.039, RSMo, and to enact in lieu thereof two new sections relating to intoxication-related traffic offenses, with penalty provisions.

**SB 781**—By McKenna.

An Act to repeal sections 301.010, 301.032, 301.069, 301.190, 301.196, 301.200, 301.218, 301.280, 301.560, 301.562, 301.567, and 301.570, RSMo, and to enact in lieu thereof fourteen new sections relating to the regulation of motor vehicles, with penalty provisions for certain sections.

**SB 782**—By McKenna.

An Act to amend chapter 32, RSMo, by adding thereto one new section relating to the authority of the department of revenue to provide certain statutory notifications by electronic mail.

**SB 783**—By Justus.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to higher education tuition policy, with an emergency clause.

**SB 784**—By Schaefer and Pearce.

An Act to repeal section 173.1105, RSMo, and to enact in lieu thereof one new section relating to the access Missouri financial assistance program.

**SB 785**—By Schaefer.

An Act to repeal section 392.248, RSMo, and to enact in lieu thereof two new sections relating to telecommunications.

**SB 786**—By Rupp.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to requiring health benefit plans to provide orally administered anticancer medications on a basis no less favorable than intravenously administered anticancer medications.

**SB 787**—By Rupp.

An Act to repeal sections 595.036, 595.037, and 595.060, RSMo, and to enact in lieu thereof four new sections relating to crime victims' compensation fund claims.

### **INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Frank G. Rieger, III, MD, FACS and his wife, Reggie, Columbia.

Senator Schaefer introduced to the Senate, Christi Penn.

Senator Nodler introduced to the Senate, Steve Hart.

Senator Justus introduced to the Senate, Alex Johnson and Catherine Shario.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Tuesday, January 19, 2010.

## SENATE CALENDAR

---

SIXTH DAY—TUESDAY, JANUARY 19, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 683-Wilson	SB 713-Mayer
SB 684-Rupp	SB 714-Crowell
SB 685-Rupp	SB 715-Crowell
SB 686-Rupp	SB 716-Goodman
SB 687-Wright-Jones	SB 717-Vogel
SB 688-Wright-Jones	SB 718-Crowell
SB 689-Wright-Jones	SB 719-Bray
SB 690-Bray	SB 720-Bray
SB 691-Wilson	SB 721-Nodler
SB 692-Wilson	SB 722-Bray
SB 693-Wilson	SB 723-Bray
SB 694-Wright-Jones	SB 724-Griesheimer
SB 695-Wright-Jones	SB 725-Rupp
SB 696-Wright-Jones	SB 726-Bray
SB 697-Wright-Jones and Keaveny	SB 727-Bray
SB 698-Griesheimer	SB 728-Crowell
SB 699-Wilson	SB 729-McKenna
SB 700-Lager	SB 730-Schaefer, et al
SB 701-McKenna and Keaveny	SB 731-Crowell
SB 703-Vogel	SB 732-Cunningham
SB 705-Griesheimer	SB 733-Pearce
SB 706-Rupp	SB 734-Pearce
SB 707-McKenna	SB 735-Cunningham
SB 708-McKenna	SB 736-McKenna
SB 709-Shoemyer	SB 737-Days
SB 710-Bray	SB 738-Crowell
SB 711-Bray	SB 739-Lembke
SB 712-Bray	SB 740-Lembke

SB 741-Griesheimer	SB 771-Scott
SB 742-Shoemyer	SB 772-Scott
SB 743-Shoemyer	SB 773-Dempsey
SB 744-Pearce	SB 774-Lembke
SB 745-Bray	SB 775-Days
SB 746-Griesheimer	SB 776-Days
SB 747-Rupp and Mayer	SB 777-Pearce
SB 748-Rupp	SB 778-Pearce
SB 749-Rupp	SB 779-Bartle
SB 750-Rupp	SB 780-Bartle
SB 751-Lembke	SB 781-McKenna
SB 752-Lembke	SB 782-McKenna
SB 753-Dempsey	SB 783-Justus
SB 754-Dempsey	SB 784-Schaefer and Pearce
SB 755-Griesheimer	SB 785-Schaefer
SB 756-Bray	SB 786-Rupp
SB 757-Rupp	SB 787-Rupp
SB 758-Rupp and Keaveny	SJR 19-Bartle
SB 759-Green and Keaveny	SJR 20-Bartle
SB 760-Green and Keaveny	SJR 21-Bartle
SB 761-Green	SJR 22-Callahan
SB 762-Green	SJR 23-Ridgeway
SB 763-Green and Cunningham	SJR 24-Wilson
SB 764-Green	SJR 25-Cunningham, et al
SB 765-Shoemyer	SJR 26-Cunningham
SB 766-Shoemyer	SJR 27-Lembke
SB 767-Bartle	SJR 28-Lembke
SB 768-Bartle	SJR 29-Purgason and Cunningham
SB 769-Scott	SJR 30-Bartle
SB 770-Scott	SJR 31-Scott

## INFORMAL CALENDAR

### RESOLUTIONS

#### To be Referred

SCR 36-Schmitt  
SCR 37-Schmitt

SCR 38-Rupp

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTH DAY—TUESDAY, JANUARY 19, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Cast your cares on the Lord and he will sustain you; he will never let the righteous fall. (Psalm 55:22)

Almighty God, we give You thanks for bringing us safely here, watching our "going out and coming in." Guide and direct our efforts this week and help us deal effectively with those things that are important and necessary. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 14, 2010 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Purgason offered Senate Resolution No. 1377, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vernon Cooper, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 1378, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tom Carr, West Plains, which was adopted.

Senator Shields offered Senate Resolution No. 1379, regarding Joseph Isiah Torchia, Platte City, which was adopted.

Senator Lembke offered Senate Resolution No. 1380, regarding Jeff Gordon Will, which was adopted.

Senators Champion and Crowell offered Senate Resolution No. 1381, regarding Steve Cropper, Nashville, Tennessee, which was adopted.

Senators Champion and Crowell offered Senate Resolution No. 1382, regarding Hollis Cropper, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1383, regarding Norm Sutterer, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1384, regarding the death of Delores Jean Bell Cornelius, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 1385, regarding Jerry Lee, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 1386, regarding Susan Casaleggi, St. Louis, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 1387, regarding Charles F. Redmond, St. Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1388, regarding Jonathan Schmitt, Marthasville, which was adopted.

Senator Schmitt offered Senate Resolution No. 1389, regarding Mike Brown, which was adopted.

Senator Schmitt offered Senate Resolution No. 1390, regarding Beverly Collin, which was adopted.

Senator Schmitt offered Senate Resolution No. 1391, regarding Adams Place Retirement Community, which was adopted.

Senator Schmitt offered Senate Resolution No. 1392, regarding The Magic House, St. Louis Children's Museum, which was adopted.

Senator Schmitt offered Senate Resolution No. 1393, regarding O'Toole Design Associates, St. Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 1394, regarding Tom Riggs, St. Louis, which was adopted.

Senator Mayer offered Senate Resolution No. 1395, regarding Millford Chism, Hayti, which was adopted.

Senator Barnitz offered Senate Resolution No. 1396, regarding Miriam Flores, St. Robert, which was adopted.

Senator Purgason offered Senate Resolution No. 1397, regarding Brandon Joseph Kapp, which was adopted.

Senator Purgason offered Senate Resolution No. 1398, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Starceвич, Osage Beach, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Schaefer offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 39**

WHEREAS, over ninety years ago citizens of the United States dedicated themselves to building a memorial to honor all the individuals who served in World War I; and

WHEREAS, this memorial, the Liberty Memorial in Kansas City, Missouri, was intended to be “a living expression for all time of the gratitude of a grateful people to those who offered and who gave their lives in defense of liberty and our country;” and

WHEREAS, to that end, in 1919 the Liberty Memorial Association raised over \$2.5 million in just ten days to honor those who served in World War I; and

WHEREAS, in 1921, the five supreme allied commanders of the war from Belgium, Italy, France, Great Britain, and the United States gathered together in Kansas City, Missouri to dedicate the site for the Liberty Memorial; and

WHEREAS, the Liberty Memorial was designed, created, and dedicated by the same generation of individuals who lost their friends and family to World War I; and

WHEREAS, the United States Congress designated the museum at the Liberty Memorial as America's National World War I Museum in 2004; and

WHEREAS, the Secretary of the Interior recognized the national and historical significance of the Liberty Memorial by declaring it a National Historic Landmark in 2006; and

WHEREAS, in 2006, an over 100 million dollar renovation of the memorial and museum was completed and the state-of-the-art National World War I Museum opened; and

WHEREAS, the centrally located Liberty Memorial has served as an easily accessible unofficial national memorial for decades:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, believe that no more fitting memorial exists to the sacrifice of the brave men and women who served in World War I than the Liberty Memorial in Kansas City, Missouri and urge the United States Congress to designate the Liberty Memorial as the National World War I Memorial by passing H.R. 1849 and S. 760, as proposed by the 1st Session of the 111th United States Congress; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of the Interior and each member of Missouri's congressional delegation.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 788**—By Lembke.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to interscholastic athletics.

**SB 789**—By Shoemyer and Barnitz.

An Act to repeal section 348.432, RSMo, and to enact in lieu thereof one new section relating to the

new generation cooperative tax credit program.

**SB 790**—By Shoemyer.

An Act to amend chapter 44, RSMo, by adding thereto one new section relating to identifiable information in registries maintained by public governmental bodies to assist certain individuals in case of a disaster or emergency.

**SB 791**—By Griesheimer.

An Act to repeal sections 204.300, 204.571, 250.070, and 250.233, RSMo, and to enact in lieu thereof four new sections relating to sewer districts.

**SB 792**—By Dempsey and Rupp.

An Act to repeal sections 188.052, 188.055, and 188.070, RSMo, and to enact in lieu thereof three new sections relating to abortion recordkeeping, with penalty provisions.

**SB 793**—By Mayer, Dempsey, Rupp, Nodler, Lembke and Stouffer.

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

**SB 794**—By Mayer.

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to license plates for property-carrying commercial motor vehicles.

**SB 795**—By Mayer and Nodler.

An Act to repeal section 319.306, RSMo, and to enact in lieu thereof one new section relating to blasting safety, with a penalty provision.

**SB 796**—By Bray.

An Act to repeal sections 116.080, 116.090, 116.180, 116.332, and 116.334, RSMo, and to enact in lieu thereof seven new sections relating to initiative and referendum petitions, with penalty provisions.

**SB 797**—By Green.

An Act to repeal sections 56.805 and 56.814, RSMo, and to enact in lieu thereof eight new sections relating to district attorneys.

Senator Pearce assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Donald C. Bedell, Republican, as a member of the Conservation Commission;

Also,



David D. Kerr, as Director of the Department of Economic Development;

Also,

Kelley Martin, Republican, as a member of the Missouri Development Finance Board;

Also,

John Stanfield, Democrat and Timothy M. Joyce, Republican, as members of the Missouri Housing Development Commission;

Also,

William Miller, Jr., as Director of the Division of Personnel for the Office of Administration;

Also,

Mary Dandurand and Marvin Wright, Democrats, as members of the University of Central Missouri Board of Governors;

Also,

John Huff, as a member of the Alzheimer's State Plan Task Force;

Also,

John Huff, as a member of the Missouri State Employees' Voluntary Life Insurance Commission;

Also,

P. Wayne Goode, Democrat, as a member of the University of Missouri Board of Curators;

Also,

Julie Jones, Republican, as a member of the Saint Louis County Board of Election Commissioners;

Also,

Gina Hoagland, Republican, Kevin Roberts, Stephen Snead and Jacque Land, Democrats, as members of the State Lottery Commission;

Also,

Robert Kenney, as a member of the Public Service Commission;

Also,

Ellis McSwain, Jr., Democrat, as a member of the Board of Probation and Parole;

Also,

Megan Thornberry, Democrat, as a member of the Kansas City Board of Election Commissioners.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

### **COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following committee to act with a like committee from the House pursuant to **HCR 1**: Senators Shields, Engler, Mayer, Bartle, Nodler, Callahan, Green, Barnitz, Days and Keaveny.

### **REFERRALS**

President Pro Tem Shields referred **SCR 36**, **SCR 37** and **SCR 38** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 683**—Governmental Accountability and Fiscal Oversight.

**SB 684**—Health, Mental Health, Seniors and Families.

**SB 685**—Small Business, Insurance and Industry.

**SB 686**—Ways and Means.

**SB 687**—Transportation.

**SB 688**—Education.

**SB 689**—Commerce, Consumer Protection, Energy and the Environment.

**SB 690**—Agriculture, Food Production and Outdoor Resources.

**SB 691**—Progress and Development.

**SB 692**—Judiciary and Civil and Criminal Jurisprudence.

**SB 693**—Health, Mental Health, Seniors and Families.

**SB 694**—Financial and Governmental Organizations and Elections.

**SB 695**—Judiciary and Civil and Criminal Jurisprudence.

**SB 696**—Judiciary and Civil and Criminal Jurisprudence.

**SB 697**—Ways and Means.

**SB 698**—Commerce, Consumer Protection, Energy and the Environment.

**SB 699**—Financial and Governmental Organizations and Elections.

**SB 700**—Jobs, Economic Development and Local Government.

**SB 701**—Transportation.

**SB 703**—Ways and Means.

**SB 705**—Commerce, Consumer Protection, Energy and the Environment.

**SB 706**—Small Business, Insurance and Industry.

- SB 707**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 708**—Judiciary and Civil and Criminal Jurisprudence.
- SB 709**—Financial and Governmental Organizations and Elections.
- SB 710**—Small Business, Insurance and Industry.
- SB 711**—Ways and Means.
- SB 712**—Financial and Governmental Organizations and Elections.
- SB 713**—Jobs, Economic Development and Local Government.
- SB 714**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 715**—Financial and Governmental Organizations and Elections.
- SB 716**—Transportation.
- SB 717**—General Laws.
- SB 718**—Governmental Accountability and Fiscal Oversight.
- SB 719**—Financial and Governmental Organizations and Elections.
- SB 720**—Transportation.
- SB 721**—General Laws.
- SB 722**—Small Business, Insurance and Industry.
- SB 723**—Transportation.
- SB 724**—Commerce, Consumer Protection, Energy and the Environment.
- SB 725**—Health, Mental Health, Seniors and Families.
- SB 726**—Ways and Means.
- SB 727**—Commerce, Consumer Protection, Energy and the Environment.
- SB 728**—Governmental Accountability and Fiscal Oversight.
- SB 729**—Jobs, Economic Development and Local Government.
- SB 730**—Financial and Governmental Organizations and Elections.
- SB 731**—Judiciary and Civil and Criminal Jurisprudence.
- SB 732**—Education.
- SB 733**—Education.
- SB 734**—Education.
- SB 735**—General Laws.
- SB 736**—Ways and Means.
- SB 737**—Financial and Governmental Organizations and Elections.
- SB 738**—Judiciary and Civil and Criminal Jurisprudence.

- SB 739**—Jobs, Economic Development and Local Government.
- SB 740**—Judiciary and Civil and Criminal Jurisprudence.
- SB 741**—Financial and Governmental Organizations and Elections.
- SB 742**—Health, Mental Health, Seniors and Families.
- SB 743**—Jobs, Economic Development and Local Government.
- SB 744**—Small Business, Insurance and Industry.
- SB 745**—Commerce, Consumer Protection, Energy and the Environment.
- SB 746**—Transportation.
- SB 747**—Small Business, Insurance and Industry.
- SB 748**—Small Business, Insurance and Industry.
- SB 749**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 750**—Commerce, Consumer Protection, Energy and the Environment.
- SB 751**—Transportation.
- SB 752**—Transportation.
- SB 753**—Jobs, Economic Development and Local Government.
- SB 754**—Jobs, Economic Development and Local Government.
- SB 755**—Jobs, Economic Development and Local Government.
- SB 756**—Financial and Governmental Organizations and Elections.
- SB 757**—Governmental Accountability and Fiscal Oversight.
- SB 758**—Financial and Governmental Organizations and Elections.
- SB 759**—Financial and Governmental Organizations and Elections.
- SB 760**—Financial and Governmental Organizations and Elections.
- SB 761**—Small Business, Insurance and Industry.
- SB 762**—Transportation.
- SB 763**—Commerce, Consumer Protection, Energy and the Environment.
- SB 764**—General Laws.
- SB 765**—Governmental Accountability and Fiscal Oversight.
- SB 766**—Agriculture, Food Production and Outdoor Resources.
- SB 767**—Judiciary and Civil and Criminal Jurisprudence.
- SB 768**—Education.
- SB 769**—Ways and Means.
- SB 770**—Small Business, Insurance and Industry.

- SB 771**—Financial and Governmental Organizations and Elections.  
**SB 772**—Financial and Governmental Organizations and Elections.  
**SB 773**—Financial and Governmental Organizations and Elections.  
**SB 774**—Health, Mental Health, Seniors and Families.  
**SB 775**—Education.  
**SB 776**—Financial and Governmental Organizations and Elections.  
**SB 777**—Financial and Governmental Organizations and Elections.  
**SB 778**—General Laws.  
**SB 779**—Judiciary and Civil and Criminal Jurisprudence.  
**SB 780**—Judiciary and Civil and Criminal Jurisprudence.  
**SB 781**—Transportation.  
**SB 782**—Financial and Governmental Organizations and Elections.  
**SB 783**—Education.  
**SB 784**—Education.  
**SB 785**—Commerce, Consumer Protection, Energy and the Environment.  
**SB 786**—Small Business, Insurance and Industry.  
**SB 787**—Judiciary and Civil and Criminal Jurisprudence.  
**SJR 19**—Transportation.  
**SJR 20**—Judiciary and Civil and Criminal Jurisprudence.  
**SJR 21**—Governmental Accountability and Fiscal Oversight.  
**SJR 22**—Progress and Development.  
**SJR 23**—General Laws.  
**SJR 24**—Ways and Means.  
**SJR 25**—Governmental Accountability and Fiscal Oversight.  
**SJR 26**—Governmental Accountability and Fiscal Oversight.  
**SJR 27**—General Laws.  
**SJR 28**—Judiciary and Civil and Criminal Jurisprudence.  
**SJR 29**—Governmental Accountability and Fiscal Oversight.  
**SJR 30**—Financial and Governmental Organizations and Elections.  
**SJR 31**—General Laws.

## **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

January 19, 2010

Honorable Charlie Shields  
Pro Tem  
Missouri Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Senator Shields,

This letter serves as notice that I'm resigning my position as a member of the Senate Judiciary Committee effective immediately.

Sincerely,

/s/ Robert N. Mayer

Senator Robert N. Mayer

Also,

January 19, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

I hereby appoint Senator Eric Schmitt as a Member on *Judiciary and Civil and Criminal Jurisprudence Committee*. This appointment will replace Senator Rob Mayer's slot.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields

Charles W. Shields

## INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Mrs. Klista Reynolds, Mrs. Jordan Lofting, and students Madison Frost, Darian Parker, Alyssa Brown and Holly Hughes, Joplin R-8.

Senator Shields introduced to the Senate, Dr. Jeanette Westfall, Principal, Mr. Sean Nash, Mrs. Melissa Corey, and students Marcy Withrow, Joseph Walsh, Zack Bailey and Blayr Bolton, Benton High School, St. Joseph.

Senator Mayer introduced to the Senate, Principal Kent Luke, Crystal Slaughter, and third grade students Julianna French and Gracie Thomas, Malden Elementary School; and Julianna and Gracie were made honorary pages.

Senator Rupp introduced to the Senate, Erica Alvarez and her children, Abel and Yzabel, St. Charles County; and Abel and Yzabel were made honorary pages.

On motion of Senator Engler, the Senate adjourned under the rules.

SENATE CALENDAR

---

SEVENTH DAY—WEDNESDAY, JANUARY 20, 2010

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 788-Lembke  
SB 789-Shoemyer and Barnitz  
SB 790-Shoemyer  
SB 791-Griesheimer  
SB 792-Dempsey and Rupp

SB 793-Mayer, et al  
SB 794-Mayer  
SB 795-Mayer and Nodler  
SB 796-Bray  
SB 797-Green

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 39-Schaefer

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SEVENTH DAY—WEDNESDAY, JANUARY 20, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The righteous cry out, and the Lord hears them; he delivers them from all their troubles.” (Psalm 34:17)

Gracious Lord, we hear so much of the difficulties that we face this year and the hard decisions that must be made. We are mindful of this and yet are willing to do what is expected of us. So we pray that we may listen to where the problems lie and seek Your help to do what is necessary. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Schaefer offered Senate Resolution No. 1399, regarding the City of Moberly, which was adopted.

Senator Engler offered the following resolution:

**SENATE RESOLUTION NO. 1400**

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective with the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and eight division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
4	Staff Attorney II	3,476 - 5,135
1	Senior Staff Attorney	3,932 - 5,829
2	Research Analyst IV	3,476 - 5,135
1	Assistant Director of Research	3,932 - 5,829
1	Investigator	3,225 - 4,724
4	Research Staff Secretary	2,688 - 3,832
2	Budget Research Analyst II	2,996 - 4,263
2	Budget Research Analyst III	3,476 - 5,135
1	Senior Budget Research Analyst	3,932 - 5,829
1	Budget Staff Secretary	2,688 - 3,832
3	Assistant Secretary of Senate	2,996 - 4,263
1	Enrolling & Engrossing Supervisor	2,996 - 4,263
2.5	Enrolling & Engrossing Clerk	2,383 - 3,351
1	Billroom Supervisor	2,383 - 3,351
1	Billroom Clerk	2,048 - 2,828
5	Public Information Specialist	2,383 - 3,351
1	Photographer	2,688 - 3,832
1	Administrative Assistant	3,131 - 6,425
1	Telecommunications Coordinator	2,996 - 4,263
2.5	Accounting Specialist	2,785 - 3,932
1	Human Resources Specialist	2,785 - 3,932
1	Office Assistance Supervisor	2,996 - 4,263
9	Administrative/Office Support	2,785 - 3,932
1	Messenger	1,983 - 2,679
2	Computer Info. Technology Spec. I	3,832 - 5,590
2	Computer Info. Technology Spec. II	4,441 - 6,357
1	Computer Info. Technology Spec. III	4,629 - 6,644

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
4	Computer Info. Technologist II	3,108 - 4,441
1	Network/Communications Specialist	3,832 - 5,590
2	Data Entry Operator III	2,232 - 3,108
1	Composing Equipment Operator III	2,232 - 3,108
0.5	Mailroom Supervisor	2,383 - 3,351
1	Printing Services Technician II	2,048 - 2,828
2	Printing Services Technician III	2,232 - 3,108
2	Printing Services Technician IV	2,508 - 3,476
1	Maintenance Supervisor	2,508 - 3,476
1	Carpenter II	2,508 - 3,476
1	Maintenance Worker	2,048 - 2,828
0.5	Sergeant at Arms (Elected)	2,508 - 3,476
0.5	Doorkeeper (Elected)	1,832 - 2,460
3.5	Assistant Doorkeeper	1,678 - 2,183
0.5	Reading Clerk	1,678 - 2,183
0.5	Chaplain	908 - 1,202
0.5	Security Guard	1,727 - 2,297

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and the Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth herein above.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2011.

## CONCURRENT RESOLUTIONS

Senators Justus and Bray offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 40

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

“Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.”; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional Delegation with request that it be printed in the Congressional Record.

Read 1st time.

Senator Schmitt offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, the United States Congress passed, and President Obama signed, the American Recovery and Reinvestment Act of 2009 (ARRA); and

WHEREAS, the ARRA allocates federal stimulus and stabilization money to the various states via several funds that come with different stipulations as to the use of the allocated moneys; and

WHEREAS, the state of Missouri's share of the federal stimulus and stabilization money could be approximately four billion dollars; and

WHEREAS, some of the ARRA funds will use preexisting formulas to determine how much money will go to certain programs, such as worker training, food stamps and renewable energy promotion; and

WHEREAS, other ARRA funds, such as those that come from the stabilization fund, provide the state with more discretion as to how such funds are spent by the state; and

WHEREAS, with such a great deal of discretionary funds available to the state, the possibility of misuse or waste of such funds exists; and

WHEREAS, in order to ensure that the funds are used properly, efficiently and effectively, and not misused or wasted, it is necessary for the General Assembly to oversee how the discretionary funds are utilized and disbursed:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Oversight of Federal Stimulus and Stabilization Funds; and

BE IT FURTHER RESOLVED that the committee shall be charged with the following:

(1) Overseeing the utilization and distribution of federal stimulus and stabilization dollars received under ARRA in order to ensure that such moneys are being used in accordance with Missouri law as well as in an efficient and effective manner; and

(2) Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding the utilization and distribution of the federal stimulus and stabilization dollars; and

BE IT FURTHER RESOLVED that the committee shall be composed of ten members, three majority party members and two minority

party members of the Senate, to be appointed by the President Pro Tem of the Senate, and three majority party members and two minority party members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-fifth General Assembly through January 15, 2011, of the First Regular Session of the Ninety-sixth General Assembly; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including but not limited to soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, political subdivisions of this State, and the general public; and

BE IT FURTHER RESOLVED that the staffs of Senate Appropriations, Senate Research, House Appropriations, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

Senator Bray offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 42

WHEREAS, excessive and misdirected light is considered energy waste and misuse; and

WHEREAS, current research by the National Park Service indicates the rate at which light pollution is increasing will leave almost no dark skies in the contiguous U.S. by 2025; and

WHEREAS, many Missouri state parks have an impaired view of the night sky due to light pollution; and

WHEREAS, Missouri state facilities have the duty and responsibility to demonstrate best practices in energy conservation and reduce all visible signs of energy waste:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge all state departments to provide public education on light pollution and develop guidelines to address light pollution in new and existing state facilities; and

BE IT FURTHER RESOLVED that the director of the Missouri Department of Natural Resources is hereby requested to convene a group of stakeholders to study the current and projected impacts of light pollution on public health, energy consumption, state tourism, and resources including state parks, military bases, and wildlife. The director is requested to submit to the General Assembly a report and recommendations relating to the study on or before January 1, 2012; and

BE IT FURTHER RESOLVED that the director of the Missouri Department of Natural Resources is hereby requested to convene a group of stakeholders, including the Lieutenant Governor and the director of the Division of Tourism, to identify premier public lands for star gazing and identify and assist interested communities surrounding these public lands in creating starlight preserves; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the director of each state department.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 798**—By Crowell.

An Act to repeal sections 2.030, 3.130, 3.140, and 3.142, RSMo, and to enact in lieu thereof three new sections relating to the revised statutes of Missouri.

**SB 799**—By Crowell.

An Act to repeal section 208.215, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet division's authority to collect from third-party payors.

**SB 800**—By Bray.

An Act to repeal sections 105.452, 105.456, 130.021, and 130.031, RSMo, and to enact in lieu thereof

seven new sections relating to ethics, with penalty provisions for certain sections.

**SB 801**—By Rupp.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to identity theft protection.

**SB 802**—By Schmitt.

An Act to amend chapter 348, RSMo, by adding thereto one new section relating to business development.

**SB 803**—By Schmitt.

An Act to repeal section 137.180, RSMo, and to enact in lieu thereof one new section relating to notices provided by certain county assessors.

**SB 804**—By Schmitt.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to epilepsy awareness day.

**SB 805**—By Shields.

An Act to repeal section 210.125, RSMo, and to enact in lieu thereof one new section relating to child protection.

**SB 806**—By Bartle.

An Act to amend chapters 43 and 537, RSMo, by adding thereto two new sections relating to pornography.

**SJR 32**—By Schmitt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the requirement of a super-majority vote for state tax increases.

**SJR 33**—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to admissibility of evidence.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Stephen R. Miller as a member of the State Highway and Transportation Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Shields moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

## REFERRALS

President Pro Tem Shields referred **SCR 39** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## RESOLUTIONS

Senator Goodman offered Senate Resolution No. 1401, regarding the University of Missouri Southwest Missouri Agricultural Research and Education Center, Mount Vernon, which was adopted.

## COMMUNICATIONS

President Pro Tem Shields submitted the following:

January 20, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

Please be advised of the following changes to Senate Standing Committees:

***Governmental Accountability and Fiscal Oversight:***

Senator Eric Schmitt to replace Senator Bill Stouffer  
Senator Eric Schmitt to replace Senator Jim Lembke as Vice Chair

***Ways and Means:***

Senator Tom Dempsey to replace Senator Eric Schmitt

***Veterans' Affairs, Pensions and Urban Affairs:***

Senator John Griesheimer to replace Senator Eric Schmitt  
Senator David Pearce to replace Senator Eric Schmitt as Vice Chair

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields  
Charles W. Shields

On motion of Senator Engler, the Senate recessed until 6:30 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

## RESOLUTIONS

Senator Justus offered Senate Resolution No. 1402, regarding the Sixtieth Anniversary of the Kansas City Rescue Mission, which was adopted.

Senator McKenna offered Senate Resolution No. 1403, regarding the Eightieth Birthday of Dorothy Ann Besand Wynn, Festus, which was adopted.

Senator Crowell offered Senate Resolution No. 1404, regarding Dan Welker, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1405, regarding Sharron Tinnin, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1406, regarding the Fredericktown Revitalization Initiative, which was adopted.

Senator Crowell offered Senate Resolution No. 1407, regarding Phillip Page, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1408, regarding the Industrial Development Authority, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1409, regarding William “Bill” Osborne, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1410, regarding Thal Hardware, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1411, regarding Ozarks Federal Savings and Loan, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1412, regarding Dr. Phillip Beyer, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1413, regarding Rebecca Hunt, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1414, regarding Donna Thompson, Fredericktown, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate the Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 1**. Representatives: Allen, Bruns, Faith, Hobbs, Kingery, Lipke, Schlottach, Sutherland, Wallace, Wasson, Roorda, Rucker, Jones (63), Scavuzzo, Schupp, Still, Swinger, Talboy, Walsh and Zimmerman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 18**.

### HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 18

WHEREAS, the current health care proposal being debated in the United States Congress will raise federal taxes and force new taxes on Missourians, which are detrimental to Missouri's economy; and

WHEREAS, Missouri families and employers may be facing even more mandates that drive up costs if the United States Congress passes the current health care proposal; and

WHEREAS, the federal government's attempt to reform health care has overwhelmingly centered around increasing eligibility to health care, but not addressing important issues such as increasing access, provider rates or quality of care; and

WHEREAS, the current health care proposal might allow the expenditure of public funds for abortions; and

WHEREAS, the current health care proposal works a substantial change to longstanding practices governing end of life decisions; and

WHEREAS, there has been a complete lack of transparency during the final negotiations to craft this legislation and special deals have already emerged that are going to put Missouri at a disadvantage; and

WHEREAS, the unfunded mandates and special deals will place greater pressure on Missouri taxpayers and put funding for education, mental health services, public safety, and all other essential state services at risk:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby urge our Missouri Congressional delegation to vote against the current health care proposal and develop health care reform that is affordable and accessible to all legal residents and to further request that our elected statewide officials express their respective positions on the passage of the current health care proposal and send a unified message to our Missouri Congressional delegation; and

BE IT FURTHER RESOLVED that the Missouri General Assembly urge our elected statewide officials to review the constitutionality of the current health care proposal, which includes several special deals for other states, including the “Nebraska kickback”; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon, President Barack Obama, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Engler, the Senate recessed to repair to the House of Representatives to receive the State of the State Address from His Excellency, Governor Jay Nixon.

## JOINT SESSION

The Joint Session was called to order by President Kinder.

The Color Guard from the Missouri State Highway Patrol, Troop F, presented the colors.

The Pledge of Allegiance to the Flag was recited.

On roll call the following Senators were present:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Allen	Atkins	Aull	Biermann	Bivens	Brandom	Bringer	Brown 30
Brown 50	Brown 149	Bruns	Burlison	Burnett	Carter	Casey	Colona
Cooper	Cox	Cunningham	Curls	Day	Deeken	Denison	Dethrow



Dieckhaus	Diehl	Dixon	Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 121	Hughes	Hummel	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris	Munzlinger	Nance	Newman
Nieves	Nolte	Norr	Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Zimmerman	Mr Speaker—149			

Absent and Absent with Leave—Representatives

Calloway	Chappelle-Nadal	Corcoran	Davis	Holsman	Hoskins 80	Ice	Nasheed
Schieffer	Yaeger—10						

Vacancies—4

The Joint Committee appointed to wait upon His Excellency, Governor Jay Nixon, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

State of the State Address

Thank you, Speaker Richard, President Pro-Tem Shields, Leaders Callahan and LeVota, Judges of the Missouri Supreme Court, Lieutenant Governor Kinder, state officials, members of the General Assembly and members of my cabinet.

Welcome honored guests and my fellow Missourians.

It's a privilege to be here this evening. I am blessed to have with me, Missouri's First Lady, my wife Georganne, and our two sons, Jeremiah and Will.

One year ago, as we gathered in this very room, a massive ice storm struck southern Missouri.

Miles of power lines went down, plunging tens of thousands of people into bitter cold and darkness.

I'll never forget what I saw in the days and weeks that followed. Everywhere I went, people of every color and creed were joining hands to help their neighbors.

They brought blankets and home-cooked meals to Kennett.

They came with chainsaws and pickup trucks to Thayer.

They turned school gyms and church basements into havens of warmth and safety in Doniphan, Naylor and Poplar Bluff.

They didn't ask how anybody voted. They didn't care who was rich or poor.

They came together in a crisis, because that's what the people of Missouri do.

That's a powerful lesson for us here tonight: The worst of times brings out the best in us.

And when the people of Missouri join hands and work together we can accomplish anything.

That makes me proud of our state, proud to be a Missourian and proud to be your Governor.

Tonight, our thoughts and prayers go out to the people of Haiti, who are suffering in the tragic aftermath of the massive earthquake on January 12. There are many ways Missourians can help. I encourage you to go to our Web site, [MO.gov](http://MO.gov), and learn more about what you can do.

From the moment I took the oath of office, I have focused my energy on one thing: turning this economy around.

Our mission is clear:

We must keep the jobs we have, and create thousands more.

We must build a granite foundation for Missouri's future growth.

And we must balance the budget without raising taxes.

Tonight, I will review some of the hard-won accomplishments of the year behind us... address the challenges ahead of us ... highlight the opportunities we must seize now to spur job growth ... and lay out my long-term strategy to create a vibrant future for our state.

But before I get to the heart of my economic message, I'd like to recognize the brave Missourians, in all branches of our military, who have left their families in our care, to fight terror around the world.

With us tonight is Specialist Michael Thomas, a Citizen-Soldier with the Missouri National Guard. Specialist Thomas was serving with the Missouri National Guard's Agri-Business Development Team II in Afghanistan when his convoy was hit by a suicide bomber in March 2009. As the gunner on his vehicle, Specialist Thomas sustained a direct hit from the blast. For his sacrifice, he was awarded the Purple Heart.

Specialist Thomas, as Commander in Chief of the Missouri National Guard, I commend you for your service to our country. You represent every man and woman who has ever fought for our freedom and liberty... in every time... and on every field of battle.

Specialist Thomas, on their behalf, please stand and accept the gratitude of your state.

Every action we took in 2009, and every action we will take in 2010, is set against the backdrop of global forces that constrain our nation's economy. That is the nature of the complex world we live in.

But it will not determine Missouri's destiny. We will.

Our most pressing economic challenges – creating jobs, seizing opportunities for growth, and balancing the budget – are too important to be sidetracked by partisan bickering. That would betray the trust put in us by the people.

We also need to take the long view, and be wise stewards of the blessings that make Missouri so special: our families, our communities, and our God-given natural resources. In everything we do this year, we must put our differences aside – and put Missouri first.

I'm an optimist by nature, and nothing I have seen this year has diminished my optimism. My vision of the future is colored by my abiding faith in the resourcefulness and determination of the people of Missouri.

I want the little girl who someday cracks the code of cancer to be a product of Missouri schools.

I want the little boy who invents clean fuel to heat our homes and power our cars to be a native son.

And I want thousands of Missourians working in high-tech jobs, using technology we can only dream of today.

That's the future I see for Missouri.

And to reach it, I want Missouri to be first in job creation.

First in education. First in innovation. First in quality of life. And first in leading this nation to recovery.

Everywhere I've traveled in the last 12 months, from K.C. to Cape, I've heard the same refrain from businesses large and small: "Give us the tools, help us train the workers, and we'll do the rest."

Last year, our bi-partisan jobs bill helped put more of these tools in place.

We ramped up financial incentives for businesses that offered good jobs and health insurance. And we focused state resources on targeted, fast-track training programs to prepare a workforce ready to step into those jobs.

Let me give you a few examples of our success.

Express Scripts in St. Louis, used Missouri BUILD incentives to expand here, rather than Pennsylvania. Now it's building a huge, automated facility for filling medical prescriptions. And it will create nearly 300 jobs paying an average wage of more than \$40,000 a year.

McLane, a grocery distribution company owned by Warren Buffett, used state incentives to build a large new facility in Republic that will create 250 full-time jobs with good wages. If Warren Buffett is bullish on Missouri, it's good for all of us.

Smith Electric Vehicles makes all-electric, zero-emission trucks. It's building a new plant in Kansas City using our Quality Jobs incentives. That plant will create 200 jobs, and pump millions of dollars into the local economy.

And the list goes on.

While we were helping large employers, we didn't forget about the small businesses that are a mainstay of Missouri's economy.

We eliminated the franchise tax for 16,000 small businesses like Kelley's Furniture in Kirksville, so they could expand and add jobs.

We also started a small business loan program. One of those loans went to Beth Daniels, who owns a company in Eureka that makes educational games. Last year, Beth was worried she wouldn't have enough games in stock to fill holiday orders. So she used her loan to build up inventory and hire another employee. Please welcome one of the Show-Me State's budding entrepreneurs, Beth Daniels.

Job-creation initiatives only succeed if there are trained workers ready to step into those jobs. So we upped our investment in training people.

Last fall, we began implementing our Caring for Missourians initiative to train more Missourians for careers in high-demand health care fields – including nursing and dentistry, optometry and medical technology. Over the next two years, we'll be enrolling at least 1,300 additional students in these programs at our two- and four-year colleges, and preparing these students to meet our state's critical health care needs.

We also put more money into accelerated programs at community colleges to help dislocated workers retrain and get back into the job market – fast.

It's clear that our key business incentives and workforce investments are bearing fruit. But much more needs to be done. That's why my top legislative priority this year is my 2010 Jobs Plan.

It contains three key components.

First, we must leverage every tool and tactic to help loyal Missouri businesses thrive.

Second, we must outrun and outfox our rivals to recruit new high-tech companies to Missouri.

And third, we must train a workforce that's ready-to-roll, and second-to-none.

The Missouri First initiative is my loyalty program for businesses that are already here. They'll go to the head of the line for financial incentives to help expand plants or payrolls.

We'll give an extra bump to businesses that have been in Missouri longer than five years. After all, these are the companies who have given generations of Missourians steady paychecks. They're also the folks who paid the taxes that built our roads, our schools and our parks.

Given Missouri's need to create jobs quickly, helping loyal businesses accelerate their growth just may be the smartest investment we can make – with the fastest return.

As your Governor, I'll continue to push hard to recruit new businesses to Missouri. And make no mistake: I've got a competitive streak.

That brings me to the second part of my jobs plan, the Missouri Science and Innovation Reinvestment Act: MOSIRA.

Missouri is already home to 1,000 biological science companies. This is an area where we can add muscle to existing strength.

MOSIRA will reinvest a small part of the taxes paid by existing bio-tech firms in Missouri, to recruit new ones. It will create a stable pool of funds to increase access to capital. And it will help turn scientific breakthroughs into commercial successes.

We want our bio-tech companies to grow because that creates more jobs. But just as important are the corollaries of that growth: a culture of excellence and collaboration, a forum where brilliant minds find kindred spirits, a hotbed of ideas that spark innovation, and a nexus of risk and reward, where start-ups thrive.

Synbiotics is a perfect example of how this synergy works to Missouri's advantage. Synbiotics is a global leader in animal health. A couple of years ago, its president and CEO, Paul Hays, decided to move the corporate headquarters and research labs from San Diego to Kansas City.

Paul says there are five reasons why he brought his business to Missouri:

First, the opportunities for synergy and collaboration with other companies and scientists in Missouri's booming animal health corridor.

Second, proximity to his customers.

Third, financial incentives from Missouri, Platte County and Kansas City.

Fourth, Missouri's outstanding work ethic; and

Last, but not least, Paul's a Mizzou grad, class of '83.

All I can add to that is welcome back, and Go Tigers!

MOSIRA will help recruit more dynamic, science and technology companies like Synbiotics to Missouri. That's exactly what we want to do. That brings me to the third part of my 2010 Jobs Plan. It focuses on Missouri's greatest asset: our people.

"Training for Tomorrow" is a new initiative to train more Missourians for jobs in growing fields, like lab techs, nursing aides, surveyors and mechanics. It gives community colleges the flexibility to enlarge training programs where there's high demand, and ensures there are enough workers to meet that demand.

In addition, I've proposed a 20 percent increase in funding for customized training programs tailored to the needs of specific high-tech industries. By matching industry's needs with training programs, more Missourians will be able to find work quickly.

Much of this training will take place at Missouri's excellent community colleges. There's no place where the link between education and employment is stronger.

I was at Crowder College in Neosho not long ago. President Alan Marble told me that if someone is out of work, they should go to the Dean's office today. They can sign up for a career training program – in alternative energy, health care, or drafting and design – and if they're willing to give it their all, he'll help find them a job.

Tonight, I call on you to show that same can-do spirit. Let's roll up our sleeves and pass this 2010 Jobs Plan.

There's another group of Missourians eager for work, who have real-world job experience and first-rate training from Uncle Sam. I'm talking about our veterans.

When I was in Iraq and Afghanistan last summer, the troops invariably asked me two questions: "How is Pujols doing?" and "Will there be a job for me when I get home?"

Tonight, I'm proud to announce the creation of "Show-Me Heroes," our new jobs initiative just for our veterans. The leader of this effort is Lieutenant Colonel Alan Rohlfing of the Missouri Army National Guard.

He'll be calling on employers all over the state, telling them about our disciplined, dedicated, hard-working veterans. When a job comes open, I want a veteran's resume on the top of the stack, so they get first crack at an interview.

I'm asking every employer in this state to step up and show that Missouri hires its veterans.

For veterans who are ready to retire, Missouri's also the first place to look, because we're going to continue to phase out the state income tax on military pensions until it's zero dollars.

Veterans are not the only ones who can get tax relief in Missouri this year. We're also helping homebuyers.

We're putting \$15 million into an effort to give the housing industry a boost and help more Missourians afford the American Dream.

If you want to buy a house in 2010, the state will pick up your property taxes for the first year, for up to \$1,250. And we're offering another \$500 in tax relief if you make that house more energy efficient.

This will help put thousands of Missouri families in new homes, jumpstart the housing market and give our skilled tradesmen more green jobs.

In this tough economy, we've also got to protect vulnerable Missourians from a voracious predator: payday loan companies.

Hard times are like fertilizer for payday lenders; they just pop up overnight, like mushrooms. For folks caught in a bad situation – maybe they lost their job, or the car broke down – payday loans may seem like the best option. But Missouri families shouldn't get fleeced.

According to the most recent data, the average payday loan in Missouri was \$290 – at 430 percent interest. And even at those exorbitant rates, you know how many loans were reported? Close to three million.

Missouri laws aren't tough enough to protect folks caught in this downward spiral of debt. We need to stand up for them, and pass meaningful payday loan reform this year.

By any measure, 2009 was a rough year. In one way or another, the downturn hit everybody's pocketbook.

Missouri unemployment ran under the national average, but was still too high. A lot of friends and neighbors were out of work. Too many Missourians lost their homes, farms and businesses. Folks who hung onto their jobs saw their wages and benefits whittled away. The impact of those economic blows knocked the wind out of state government. Revenue fell a staggering \$778 million short of projections – the biggest one-year drop in Missouri history.

So state government did what every Missouri family had to do: tighten our belts, stretch every dollar and rein in spending. We didn't bellyache

about it; we just did it. We focused on our priorities, worked together, and made some real progress.

Unlike 29 other states, we balanced the budget without raising taxes. How did Missouri do it?

We made state government leaner. In one year, I will have reduced the state workforce by nearly 1,800 positions.

We used technology to make government more efficient and effective.

We cut costs by renegotiating contracts.

I ordered state department heads to conserve energy, and we reduced our utility bill by six percent.

I had to cut \$600 million out of the state budget, but did so without losing sight of priorities like education and public safety.

And in terms of efficiencies, we're not finished yet.

For years, state government has been creating boards and commissions for this centennial or that special interest. Some do good work, while others don't do much of anything. Nobody paid much attention to them, and they just kept growing and growing until they turned into bureaucratic kudzu.

In an effort to root out government waste and inefficiency, I have already eliminated 13 of these boards and 227 positions.

And I call on the legislature to haul out the brush hog, and get rid of 18 more boards and 246 more positions.

Working together, we've been able to avoid the meltdowns we're now seeing in other states:

Massachusetts and Nevada jacked up their sales tax.

Arizona's on the verge of closing two-thirds of its state parks and selling its House and Senate buildings.

Nevada's Governor has proposed cutting K-12 funding by \$700 million.

That's not going to happen here in Missouri.

Our early action and sound management have helped Missouri keep its spotless Triple-A credit rating. That saves taxpayers millions in interest each year. And it signals investors that Missouri is where smart money goes to grow. Moody's Investors Services, one of the nation's premier financial ratings firms, rated Missouri one of the top states to lead the nation's recovery.

By balancing the budget without raising taxes, making hard choices, and managing debt, Missouri is in a strong position to accelerate out of this downturn.

We could never have accomplished that without steadfast bipartisanship. I want to thank all of you for standing together last year and putting Missouri first. We must summon that same bipartisan spirit for the hard work that lies ahead.

This year, although we're in better shape than other states, we still face sobering fiscal challenges.

Revenue projections for fiscal 2011 are austere; we'll have less revenue than we did in 2009. It will take the patience and good faith of every person in this General Assembly – all 163 members of the House and all 34 members of the Senate – working as a team, to manage our limited resources and move Missouri forward on the path to prosperity.

While we are taking steps to get immediate economic returns, we also need to be making strategic investments to secure Missouri's long-term economic growth:

Investments in our children's education;

In health care;

In communities that are safe and vibrant;

And in the beauty and bounty of our state.

In our rapidly changing world, the education of Missouri's children is a high-stakes enterprise. Missouri can't succeed unless our schools succeed. And wherever students excel, we have dedicated teachers to thank.

All across the state, our public schools are stronger for the commendable work teachers do. And I'm not just talking about the work that goes on in classrooms from the first bell on Monday morning to the last bell on Friday afternoon.

I'm talking about the extra hours teachers put in before class, giving students extra help with math or English. And the weekends teachers devote to AP prep and band competitions. For these exceptional people, teaching isn't a job – it's a calling.

Criticizing public education is easy – and cheap. Educating children is hard – and takes serious investment. It's not enough to tell our teachers

how much we value them; we must show them. And that is why my budget this year includes continued funding for Career Ladder. Our teachers have earned it.

Last year, we provided record funding for K-12 classrooms, even in the face of severe economic challenges. Other states, like Kansas and Georgia, are restricting education funds already appropriated.

Let me be clear: Every penny appropriated by the legislature last year will go to our K-12 classrooms this year.

Our budget challenges next year are no less daunting. Until the revenue picture changes, most folks in government understand that getting the job done with fewer resources is a given.

But budgets are about protecting priorities. And as we discussed my budget, and where and how much to cut, I took one thing off the table: K-12 classrooms. Our children are precious; their education is too important.

So even in these difficult times, I am recommending increased funding, at a record level, for our K-12 classrooms.

Our commitment to education must extend beyond high school. But for too long, steep tuition hikes have put college out of reach for many Missouri families. Tom and Sandy Ray, who live in St. Louis, had three kids in college at the same time. That's a big price tag for a working family, but Tom and Sandy understood the value of a college degree and were willing to make the sacrifice.

When their family budget suffered a blow last year, they wondered how they'd manage to pay all three tuition bills. But last year, we froze tuition at all two- and four-year public colleges and universities in the state. For thousands of families like the Rays, that was a godsend.

Please welcome these two terrific Missouri parents, Tom and Sandy Ray.

But we're not done. I call on you to join me – and lead the nation by example – in supporting another tuition freeze this year. That would mean Missouri students and their families won't have to pay a penny more in tuition and fees two years in a row.

I want to bring college within reach for even more Missouri students, by addressing a blatant inequity in Missouri's A+ scholarship program. That program pays two years of community college tuition for high school kids who keep up their grades, give back, and stay out of trouble.

Today, a third of the kids in Missouri's public high schools can't even apply for these scholarships. That's because their schools aren't "officially designated" as A+ schools. And that's just not fair.

A+ scholarships should be open to every hard-working public high school student in Missouri. And I count on your support to make that happen this year.

Our children are growing up in a high-speed, digital world; just watch them texting their friends. Without access to the fast lane on the information superhighway, we'll simply be a dusty detour.

This year, Missouri is competing to bring high-speed Internet to every part of our state, from the urban core to the last mile of gravel road.

For a small business like Strawberry's Bar-B-Que in Holcomb, that means instant access to customers from Jamaica to Japan. A college student could take courses on her laptop in Fair Play. A cancer specialist in St. Louis can read medical records from a family doctor in St. James.

We will compete for every possible dollar to turn this broadband project into reality and help Missouri stay competitive.

There's an undeniable correlation between a state's competitiveness and the cost of health care.

Last year, Missouri was poised to make real progress on health care. The Missouri Senate voted overwhelmingly to support my plan to provide health care to 35,000 working Missourians at no additional cost to state taxpayers. Unfortunately, that proposal failed on the last day of the session.

This year, there's been a lot of talk about health care, from the halls of Congress to town hall meetings across the country.

Congress is debating significant health care legislation. If that federal legislation passes, it's our job to show steady, bipartisan leadership and maximize the benefits for the people of Missouri.

There's another important health care issue that demands our immediate attention: autism. This spectrum of disorders is diagnosed in one in 110 children. And the sooner it is diagnosed and treated, the better their lives will be.

Myles and Lora Hinkel have a 7-year-old son, Blake, who has autism. Myles and Lora have been outstanding advocates not just for their son, but for all children with autism. Please welcome the Hinkels tonight.

Blake's father tells a moving story about hearing his son speak his first word at the age of three. Reaching that milestone took months of intensive therapy at the Thompson Center for Autism in Columbia. It was an enormous victory for Blake, summed up rather nicely in that first word: "MINE".

When the Hinkels' insurance company refused to pay for Blake's therapy, they willingly took the hit.

Because they know there is a critical period of time to turn on the light in the developing brain of a child with autism. And if that critical time passes, the light goes out.

Children with autism shouldn't have to wait for their parents to come up with the cash, or for insurance companies to grow a conscience. They need our help now.

For months, I have stood with Democratic and Republican legislators on this issue, and laid out the key elements of a bill that we all know will make a real difference in these children's lives.

This is the year we stand up to insurance companies. This is the year we make them cover autism.

This is the year we turn on the light for thousands of children like Blake Hinkel.

There's another young man I'd like to tell you about. His name is Travis, and he's up in the balcony tonight with his family. When Travis was 8, both his legs were crushed in a car accident caused by a drunk driver. Travis and his mom, Karen, almost died from their injuries. They told me they feel lucky to be alive.

Travis is 11 now; he's had five operations on his legs so far, and he'll need three more. But he's making steady progress. Please welcome this brave young man and his family.

The man behind the wheel of the car that hit Travis and his family had a prior conviction for drunk driving. But there he was – drunk again – coming at them the wrong way on an exit ramp. Travis and his family paid a terrible price for that man's terrible crime.

And that's why I have proposed legislation to effectively prosecute and punish drunk drivers and – most important – yank their licenses, and get them off the road before they shatter more lives. I urge you to send that bill to my desk this year.

Any long-term strategy for improving Missouri's economy, and enhancing our quality of life, must take full advantage of our natural heritage: our woodlands and our streams, our caves and our canyons, our plains and our prairies.

Hunting, fishing, hiking and camping are part of our Missouri way of life. When I was a kid, I did a lot of fishing with my dad. We'd get up early, toss our gear in the back of the station wagon and head down to Bennett Spring or Montauk. I'd be hip-deep in cold water before the mist had rolled off the river.

I spent many golden hours learning to read the river, learning to tie flies that could fool a trout. That kindled my love of the outdoors, which I passed along to my sons – and I hope they'll pass along to theirs.

We need to get more kids off the couch, away from their videogames and back outdoors, because there are some lessons that only Nature can teach.

Tonight, I am pleased to announce the creation of the Missouri State Parks Youth Corps. We'll put more than a thousand young people to work this summer at our 85 state parks and historic sites.

Our park system is a legacy passed on to us by Missourians of extraordinary vision and generosity. Missourians like Edmund Babler, Peter Bennett and Leo Drey; Annie Van Meter, and Ted and Pat Jones. Even in these lean times, we have a responsibility to be good stewards of these treasures, and preserve them for future generations.

My Parks Youth Corps will learn to be good stewards of the land from the ground up: picking up trash, cutting brush, and building trails.

They'll also be outdoor ambassadors in my effort to reverse a 10-year decline in the number of visitors to our beautiful, affordable state parks. More visitors will also pump more money into our tourism industry.

For families who love the outdoors, there's just no better deal around. Now we've got to spread the word: If you like to kayak or fish, bird-watch or mountain bike, come to Missouri first.

Missouri's land has always been the foundation of our economy. Our farmers have fed the nation, and they can feed a hungry world. In a global marketplace, the demand for Missouri agricultural products is primed to expand exponentially.

We've got to sell globally, and buy locally. This year, we'll sell a record amount of corn and soybeans to Taiwan. That's good for our trade balance and good for our farmers.

Here at home, every Missouri family should be able to share the bounty of the land, including fresh, healthy produce. That's why my budget will help promote local farmers markets, and encourage more folks to start community gardens in their neighborhoods.

I've focused this evening on our shared obligations: creating jobs, managing the budget and holding down taxes. I've talked about working together to make our communities safer, stronger and healthier. I've talked about making strategic, long-term investments in Missouri's future.

But we have one more piece of unfinished business: Ethics. It's time we gave the people of Missouri a state government that's as honest and straight-shooting as they are.

Last year, we demolished the patronage system long-used for awarding license fee offices. We created a more efficient system with a transparent bidding process. And it will produce revenue we can put to good use.

Two years ago, the legislature passed a bill to pay for college for the families of veterans killed or seriously disabled in combat. Just one problem: no funding.

Last year, the legislature passed a bill to pay a survivors' benefit to the families of firefighters, police officers, state troopers and sheriff's deputies killed in the line of duty. Same problem: no funding.

With the \$800,000 our new fee office system will produce, we can finally do right by these heroes and their families, and fund both of these programs this year. Good government really does pay dividends.

And we can do more. We can pass meaningful ethics reform this year.

There are a number of good reform proposals out there. But to my mind, meaningful ethics reform must do four basic things:

Stop the sneaky, back-door donations from committee-to-committee.

Ban one officeholder from working as a political consultant for another officeholder.

Shut the revolving door between the legislature and lobbyists, for good.

And most importantly, set strict limits on campaign contributions. Missouri voters overwhelmingly mandated them. As Attorney General, I fought for them. The U.S. Supreme Court upheld them. It's the right thing to do.

In the last year, I've logged thousands of miles traveling our great state. I've had coffee with small business owners on Main Street, and chewed the fat with cattlemen. I've visited with combat veterans and college kids, schoolteachers and scientists.

I've met hard-working families struggling to pay their bills, and laid-off factory workers with no health insurance.

A lot of folks are worried about their jobs. About how they're going to pay the mortgage and medical bills. They're anxious about retirement, and what, if anything, will be left for their kids and grandkids.

But not once – not one single time – did I hear anyone say: "Poor me."

Not once did anyone tell me, "Governor, I give up."

Times may be tough. But Missourians are tougher.

Remember the lesson of the ice storm: Our greatest strength lies in one another.

If we can hang tough a little longer, work together and stay on the path, we're going to keep climbing... and climbing... and climbing ...until we see the bright horizon. Because Missouri's future is bright.

Even now, there are glimmers of recovery. Some parts of our economy – like health care and technology – are starting to hire again. Home sales and industrial production are beginning to tick upward. Consumers are cautiously starting to spend.

These first warm rays of recovery are a sign that our discipline and hard work of the past year are paying off for the people of Missouri.

And at the end of the day, whether we vote red, blue or purple, most of us want the same things.

A state that's competitive and prosperous.

A state where hard-working people can find a decent job, buy a house and raise a family.

A state brimming with opportunity, so our children can sink roots and raise families of their own.

A state where health care is abundant and affordable.

A state where every child gets a first-rate education.

A state whose natural beauty beckons us to hike and bike, hunt and fish.



And a state where neighbors help neighbors.

Do we have hard work ahead of us? Yes, we do.

Will we make progress this year? Yes, we will.

Can we move faster if we work together? Absolutely.

Tonight, let's swear an oath, to the people of the state we love and to each other – that nothing will stand in the way of rebuilding our economy and reimagining our future.

Let's make 2010 the year we put politics second, and put Missouri first.

Thank you. And God bless Missouri.

On motion of Senator Engler, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Pro Tem Shields.

### **INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, Mark and Sarah Saladin and their children, Amanda, Christopher and Michael, Carthage.

Senator Nodler introduced to the Senate, Jhan Hurn, Joplin.

Senator Engler introduced to the Senate, Matthew and Tonya Clarke and their son, Joshua, Dittmer; and Joshua was made an honorary page.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Tom Stamos, M.D. and his son, Nickolas, Chesterfield; and Nickolas was made an honorary page.

Senator Vogel introduced to the Senate, members of Missouri Society of Certified Public Accountants from around the state.

Senator Justus introduced to the Senate, Justin Mohn and Kristin Bail.

On motion of Senator Engler, the Senate adjourned under the rules.

### **SENATE CALENDAR**

---

EIGHTH DAY–THURSDAY, JANUARY 21, 2010

---

### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 788-Lembke

SB 789-Shoemyer and Barnitz

SB 790-Shoemyer

SB 791-Griesheimer

SB 792-Dempsey and Rupp

SB 793-Mayer, et al

SB 794-Mayer

SB 795-Mayer and Nodler

SB 796-Bray

SB 797-Green

SB 798-Crowell

SB 799-Crowell

SB 800-Bray  
SB 801-Rupp  
SB 802-Schmitt  
SB 803-Schmitt  
SB 804-Schmitt

SB 805-Shields  
SB 806-Bartle  
SJR 32-Schmitt  
SJR 33-Bartle

## INFORMAL CALENDAR

### RESOLUTIONS

SR 1400-Engler

### To be Referred

SCR 40-Justus and Bray  
SCR 41-Schmitt

SCR 42-Bray  
HCS for HCR 18

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**EIGHTH DAY—THURSDAY, JANUARY 21, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord...declares: ‘Those who honor me I will honor,’” (1 Samuel 2:30a)

Almighty God, help us to live each day honoring You our God and may we find ways of expressing our thankfulness in the way we act and the things we accomplish, the way we treat others and the way we express love to those You have given us to love. And may we find joy in Your presence this day and weekend as we find ourselves in our community of faith singing Your praise and commending our prayers before You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 1415, regarding Alliance Foam Technologies, LLC, Centralia, which was adopted.

Senator Keaveny offered Senate Resolution No. 1416, regarding Francis R. Slay, St. Louis, which was adopted.

## CONCURRENT RESOLUTIONS

Senators Schmitt, Wilson, Pearce, Justus, Callahan and Bartle offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 43

WHEREAS, more than 4,000,000 Americans served in World War I; and

WHEREAS, there is no nationally recognized memorial honoring the service of those over 4,000,000 Americans; and

WHEREAS, in 1919, the people of Kansas City, Missouri, expressed an outpouring of support and raised more than \$2 million in two weeks for a memorial dedicated to the service of Americans who served in World War I. This fund was an accomplishment unparalleled by any other city in the United States irrespective of population, and reflected the passion of public opinion about World War I, which had so recently ended; and

WHEREAS, following the drive, a national architectural competition was held by the American Institute of Architects for designs for a memorial dedicated to the service of Americans in World War I, and the competition yielded a design by Architect H. Van Buren Magonigle; and

WHEREAS, on November 1, 1921, more than 100,000 people witnessed the dedication of the site for the Liberty Memorial in Kansas City, Missouri; and

WHEREAS, the dedication of the site on November 1, 1921 marked the only time in history that the five allied military leaders present, Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, Admiral Lord Earl Beatty of Great Britain, and General of the Armies John J. Pershing of the United States of America, were together at one place; and

WHEREAS, General of the Armies John J. Pershing, a native of Missouri and the commander of the American Expeditionary Forces in World War I, noted at the November 1, 1921 dedication that “the people of Kansas City, Missouri are deeply proud of the beautiful memorial, erected in tribute to the patriotism, the gallant achievements, and the heroic sacrifices of their sons and daughters who served in our country's armed forces during the World War. It symbolized their grateful appreciation of duty well done, and appreciation which I share, because I know so well how richly it is merited”; and

WHEREAS, during an Armistice Day ceremony in 1924, President Calvin Coolidge marked the beginning of a three-year construction project for the Liberty Memorial by the laying of the cornerstone; and

WHEREAS, the 217 foot Liberty Memorial Tower has an inscription that reads “In Honor of Those Who Served in the World War in Defense of Liberty and Our Country”, as well as four stone “Guardian Spirits” representing courage, honor, patriotism, and sacrifice, which rise above the observation deck, making the Liberty Memorial a noble tribute to all who served in World War I; and

WHEREAS, during a rededication of the Liberty Memorial in 1961, World War I veterans and former presidents Harry S Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed; and

WHEREAS, the 106<sup>th</sup> U.S. Congress recognized the Liberty Memorial as a national symbol of World War I; and

WHEREAS, the 108<sup>th</sup> U.S. Congress designated the museum at the base of the Liberty Memorial as “America's National World War I Museum”; and

WHEREAS, the National World War I Museum is the only public museum in the United States specifically dedicated to the history of World War I; and

WHEREAS, the National World War I Museum is known throughout the world as a major center of World War I remembrance:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to designate the Liberty Memorial, Kansas City, Missouri, at the National World War I Museum as the National World War I Memorial; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of the Interior and the members of the Missouri congressional delegation.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 807**—By Callahan.

An Act to repeal section 455.040, RSMo, and to enact in lieu thereof one new section relating to orders of protection.

**SB 808**—By Callahan.

An Act to repeal sections 473.739 and 473.742, RSMo, and to enact in lieu thereof two new sections relating to public administrators.

**SB 809**—By Goodman.

An Act to repeal section 208.215, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet divisions' authority to collect from third-party payers.

**SB 810**—By Lager.

An Act to repeal sections 320.106, 320.111, 320.131, and 320.136, RSMo, and to enact in lieu thereof four new sections relating to fireworks.

**SB 811**—By Keaveny and Shoemyer.

An Act to repeal sections 408.500 and 408.505, RSMo, and to enact in lieu thereof two new sections relating to unsecured loans of five hundred dollars or less, with penalty provisions.

**SB 812**—By Schmitt.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

**SB 813**—By Griesheimer.

An Act to repeal sections 99.805, 99.845, 135.535, 135.950, 135.967, 178.760, 178.762, 178.892, 178.894, 620.1878 and 620.1881, RSMo, and to enact in lieu thereof eleven new sections relating to the development of Missouri businesses.

**SB 814**—By Justus and Keaveny.

An Act to amend chapter 565, RSMo, by adding thereto three new sections relating to assault of an employee of a mass transit system while in the scope of his or her duties, with penalty provisions.

**SB 815**—By Bartle.

An Act to repeal sections 168.106, 168.745, and 168.747, RSMo, and to enact in lieu thereof five new sections relating to elementary and secondary education.

**SJR 34**—By Goodman and Schmitt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri relating to state sovereignty.

**SJR 35**—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

**SJR 36**—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to compensation of public officials.

**SJR 37**—By Ridgeway.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 4(d) of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the revenue-neutral replacement of all taxes on income with an amended sales and use tax.

**RESOLUTIONS**

Senator Engler moved that **SR 1400** be taken up for adoption, which motion prevailed.

On motion of Senator Engler, **SR 1400** was adopted.

**RE-REFERRALS**

President Pro Tem Shields re-referred **SB 736** to the Committee on Jobs, Economic Development and Local Government.

President Pro Tem Shields re-referred **SB 721** to the Committee on Small Business, Insurance and Industry.

President Pro Tem Shields re-referred **SB 587** to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

**REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Scott Hunt and Donald Cupps, as members of the Public School Retirement System of Missouri Board of Trustees;

Also,

David R. Bradley, Republican, as a member of the University of Missouri Board of Curators;

Also,

Norma J. Nisbet, Independent, and Michelle Word, Democrat, as members of the Missouri Women's Council;

Also,

Pamela Wright, Republican, as a member of the State Lottery Commission;

Also,

Carla Owens Braziel, as a member of the Missouri Consolidated Health Care Plan Board of Trustees;

Also,

Nancy Watkins, Democrat, as a member of the Public Defender Commission;

Also,

Gerald Winship, Independent, and Jon R. Gray, Democrat, as members of the Jackson County Sports Complex Authority;

Also,

Paul Titterington and Mark F. Saladin, as members of the Missouri Dental Board;

Also,

Leata Price-Land, as a member of the Board of Cosmetology and Barber Examiners;

Also,

Emily Martin, as a member of the State Board of Mediation;

Also,

Jeffrey Carter, Democrat, as a member of the State Board of Registration for the Healing Arts;

Also,

Evelyn E. Jorgenson, as a member of the Midwestern Higher Education Commission;

Also,

Alana M. Barragán-Scott, as Director of the Department of Revenue;

Also,

Hobart Randolph Halsey, Democrat, as a member of the Lincoln University Board of Curators;

Also,

Tamara Thielemier, Jack D. Atterberry, and John Chapman, as members of the Workers' Compensation Determination Review Board;

Also,

Curtis Wall, as a member of the Missouri Propane Gas Commission;

Also,

Kathleen A. Carter, as a member of the Mental Health Commission;

Also,

Jeffrey Cawlfeld, Democrat, as a member of the Dam and Reservoir Safety Council.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Scott assumed the Chair.

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Philip G. Smith, as a member of the Administrative Hearing Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Shoemyer moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment.

At the request of Senator Shoemyer, the above motion was withdrawn.

At the request of Senator Shields, the committee report on Philip G. Smith was returned to the Committee on Gubernatorial Appointments.

### **INTRODUCTIONS OF GUESTS**

Senator Days introduced to the Senate, Karessa Turner.

Senator Vogel introduced to the Senate, Jodi Newton and her son, Cross, Fort Myers, Florida; and Cross was made an honorary page.

Senator Mayer introduced to the Senate, Sally McVey.

The President introduced to the Senate, Gwen Kueny.

Senator Shoemyer introduced to the Senate, Janet (Ratliff) Phillips, Coffeerville, Kansas.

Senator Bartle introduced to the Senate, Dr. Donald Meyer, Lee's Summit.

Senator Bartle introduced to the Senate, Dr. Robert McCollum, Lee's Summit.

Senator Bartle introduced to the Senate, Harriet Morris, Kansas City.

Senator Dempsey introduced to the Senate, Dr. Norman Freiburger, St. Charles.

Senator Shoemyer introduced to the Senate, the Physician of the Day, Dr. Michael J. Bukstein, MD, FACS, Hannibal.

Senator Justus introduced to the Senate, Dr. Dorsey Moore, Kansas City.

Senator Justus introduced to the Senate, Dr. Ronald Davis, Wichita, Kansas.

Senator Lembke introduced to the Senate, Dr. Ellis Memos, St. Louis.

Senator Shields introduced to the Senate, Dr. James Trout, St. Joseph.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, January 25, 2010.



SENATE CALENDAR

---

NINTH DAY—MONDAY, JANUARY 25, 2010

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 788-Lembke	SB 805-Shields
SB 789-Shoemyer and Barnitz	SB 806-Bartle
SB 790-Shoemyer	SB 807-Callahan
SB 791-Griesheimer	SB 808-Callahan
SB 792-Dempsey and Rupp	SB 809-Goodman
SB 793-Mayer, et al	SB 810-Lager
SB 794-Mayer	SB 811-Keaveny and Shoemyer
SB 795-Mayer and Nodler	SB 812-Schmitt
SB 796-Bray	SB 813-Griesheimer
SB 797-Green	SB 814-Justus and Keaveny
SB 798-Crowell	SB 815-Bartle
SB 799-Crowell	SJR 32-Schmitt
SB 800-Bray	SJR 33-Bartle
SB 801-Rupp	SJR 34-Goodman and Schmitt
SB 802-Schmitt	SJR 35-Lager
SB 803-Schmitt	SJR 36-Lager
SB 804-Schmitt	SJR 37-Ridgeway

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 40-Justus and Bray	HCS for HCR 18
SCR 41-Schmitt	SCR 43-Schmitt, et al
SCR 42-Bray	

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**NINTH DAY—MONDAY, JANUARY 25, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Life is overflowing with the new. But it is necessary to empty out the old to make room for the new to enter.” (Eileen Caddy)

Heavenly Father, as we begin this new week let us be open to what is possible, help us to see new opportunities and ways of doing what must be done. Let that which is old be left behind and help us listen to what others have to offer and support and direct our work with staff and colleagues so each is affirmed and the best brought forth. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 21, 2010 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 1417, regarding Snyder Brace, Columbia, which was

adopted.

Senator Schaefer offered Senate Resolution No. 1418, regarding Hot Box Cookies, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 1419, regarding Brighttree, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 1420, regarding Longitude Health, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 1421, regarding AVO General Services, LLC, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 1422, regarding Miss Missouri Outdoors, Angelica Rivera, Moberly, which was adopted.

Senator Goodman offered Senate Resolution No. 1423, regarding Carole A. Kleiboeker, Stotts City, which was adopted.

Senator Scott offered Senate Resolution No. 1424, regarding the One Hundred Fiftieth Anniversary of the City of Sedalia, which was adopted.

Senator Goodman offered Senate Resolution No. 1425, regarding the Eightieth Birthday of Wayne Dale Conway, Mt. Vernon, which was adopted.

Senator Shields offered Senate Resolution No. 1426, regarding Accent Controls, Inc., Riverside, which was adopted.

Senator Crowell offered Senate Resolution No. 1427, regarding Pense Brothers Drilling Company, Fredericktown, which was adopted.

Senator Cunningham offered Senate Resolution No. 1428, regarding Innoventor, Inc., St. Louis, which was adopted.

Senator Cunningham offered Senate Resolution No. 1429, regarding Titanova, Inc., St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1430, regarding Project Management Solutions Group, St. Louis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1431, regarding the One Hundred Twenty-fifth Anniversary of St. Joseph Catholic School, Martinsburg, which was adopted.

Senator Barnitz offered Senate Resolution No. 1432, regarding Interdisciplinary Design Collaborative, LLC, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1433, regarding Cornerstone Energy Solutions, LLC, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1434, regarding Ryan Dillon, Washington, D.C., which was adopted.

Senator Nodler offered Senate Resolution No. 1435, regarding I3 Technology Group, Inc., Joplin, which was adopted.

Senator Stouffer offered Senate Resolution No. 1436, regarding Dustin Oehl, Friedheim, which was adopted.

Senator Stouffer offered Senate Resolution No. 1437, regarding Natasha Frost, Lee's Summit, which was adopted.

Senator Stouffer offered Senate Resolution No. 1438, regarding Kelly Jahn, Jackson, which was adopted.

Senator Stouffer offered Senate Resolution No. 1439, regarding Megan Anderson, Centertown, which was adopted.

Senator Stouffer offered Senate Resolution No. 1440, regarding Haley Wilkerson, Rogersville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1441, regarding Garrett Pitts, Kirksville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1442, regarding Izabella Michitsch, Russellville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1443, regarding Emily Ziler, Reeds, which was adopted.

Senator Stouffer offered Senate Resolution No. 1444, regarding Andrew Chandler, Carthage, which was adopted.

Senator Stouffer offered Senate Resolution No. 1445, regarding Caleb Adams, Stotts City, which was adopted.

Senator Lembke offered Senate Resolution No. 1446, regarding the One Hundredth Birthday of Marie Jauer, St. Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1447, regarding Matthew Eugene Strode, St. Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1448, regarding the Eightieth Birthday of Shirley J. Norris, Affton, which was adopted.

Senator Mayer offered Senate Resolution No. 1449, regarding Xtreme Stereo, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 1450, regarding S & D Grocery Outlet, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1451, regarding Renovation Hardware, Portageville, which was adopted.

Senator Mayer offered Senate Resolution No. 1452, regarding Danyel A. Nobles, Poplar Bluff, which was adopted.

Senator Champion offered Senate Resolution No. 1453, regarding Trux Trailer and Tractor Repair, Inc., Springfield, which was adopted.

Senator Mayer offered Senate Resolution No. 1454, regarding the Honorable Gayle Kingery, Poplar

Bluff, which was adopted.

Senator Lager offered Senate Resolution No. 1455, regarding the One Hundredth Birthday of Daniel A. Lyzen, Hale, which was adopted.

Senator Lager offered Senate Resolution No. 1456, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Mickey Childs, Chillicothe, which was adopted.

Senator Crowell offered Senate Resolution No. 1457, regarding Travis Herbst, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1458, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Martin Pazdera, Charleston, which was adopted.

Senator Crowell offered Senate Resolution No. 1459, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. J.T. Gregory, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1460, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Eugene Kester, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1461, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Lee Roy Brown, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1462, regarding Pete Poe, Cape Girardeau, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 818**—By Lembke.

An Act to repeal sections 116.010, 116.020, 116.050, 116.060, 116.080, 116.090, 116.100, 116.120, 116.130, 116.175, 116.180, 116.190, and 116.332, RSMo, and to enact in lieu thereof thirteen new sections relating to initiative and referendum petitions, with penalty provisions.

**SB 819**—By Lembke.

An Act to repeal section 41.1000, RSMo, and to enact in lieu thereof one new section relating to leave for members of the civil air patrol.

**SB 820**—By McKenna.

An Act to repeal sections 300.160 and 304.291, RSMo, and to enact in lieu thereof two new sections relating to pedestrian control signals.

**SB 821**—By Nodler, Goodman and Stouffer.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

**SB 822**—By Keaveny.

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to seat belts, with penalty provisions.

**SB 823**—By Ridgeway.

An Act to repeal section 144.054, RSMo, and to enact in lieu thereof one new section relating to a state and local sales and use tax exemption for data storage.

**SB 824**—By Clemens.

An Act to repeal sections 267.565 and 267.600, RSMo, and to enact in lieu thereof two new sections relating to diseased animals.

**SB 825**—By Clemens.

An Act to repeal section 338.056, RSMo, and to enact in lieu thereof two new sections relating to prohibiting the interchange of anti-epileptic drugs.

**SB 826**—By Griesheimer.

An Act to repeal section 321.552, RSMo, and to enact in lieu thereof one new section relating to the imposition of a sales tax by ambulance and fire protection districts in certain counties.

**SJR 38**—By Ridgeway.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 20, 20(a), 22, and 25 of article III of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the adjournment of the legislative session.

**SJR 39**—By Crowell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2(a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the membership of the state board of education.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 21, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lowell Mohler, Republican, 4054 Highway 179, Jefferson City, Cole County, Missouri 65109, as a member of the State Fair Commission, for a term ending December 29, 2013, and until his successor is duly appointed and qualified; vice, Jerry King, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

### **SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 40**—Rules, Joint Rules, Resolutions and Ethics.

### **REFERRALS**

President Pro Tem Shields referred **SCR 41**, **SCR 42**, **HCS** for **HCR 18** and **SCR 43** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Scott assumed the Chair.

### **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 788**—Education.

**SB 789**—Governmental Accountability and Fiscal Oversight.

**SB 790**—Judiciary and Civil and Criminal Jurisprudence.

**SB 791**—Jobs, Economic Development and Local Government.

**SB 792**—Judiciary and Civil and Criminal Jurisprudence.

**SB 793**—Judiciary and Civil and Criminal Jurisprudence.

**SB 794**—Transportation.

**SB 795**—Agriculture, Food Production and Outdoor Resources.

**SB 796**—Financial and Governmental Organizations and Elections.

**SB 797**—Judiciary and Civil and Criminal Jurisprudence.

**SB 798**—General Laws.

**SB 799**—Small Business, Insurance and Industry.

**SB 800**—Rules, Joint Rules, Resolutions and Ethics.

**SB 801**—Commerce, Consumer Protection, Energy and the Environment.

**SB 802**—Jobs, Economic Development and Local Government.

**SB 803**—Ways and Means.

**SB 804**—Progress and Development.

**SB 805**—Health, Mental Health, Seniors and Families.

**SB 806**—Judiciary and Civil and Criminal Jurisprudence.

**SB 807**—Judiciary and Civil and Criminal Jurisprudence.

**SB 808**—Jobs, Economic Development and Local Government.

**SB 809**—Small Business, Insurance and Industry.

**SB 810**—Financial and Governmental Organizations and Elections.

**SB 811**—Financial and Governmental Organizations and Elections.

**SB 812**—Transportation.

**SB 813**—Jobs, Economic Development and Local Government.

**SB 814**—Judiciary and Civil and Criminal Jurisprudence.

**SB 815**—Education.

**SJR 32**—Ways and Means.

**SJR 33**—Judiciary and Civil and Criminal Jurisprudence.

**SJR 34**—Judiciary and Civil and Criminal Jurisprudence.

**SJR 35**—Ways and Means.

**SJR 36**—Financial and Governmental Organizations and Elections.

**SJR 37**—Governmental Accountability and Fiscal Oversight.

### **INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, Caitlin Hornick.

Senator Bartle introduced to the Senate, his brother-in-law, John Blomquist and his son, Luke, Kansas City.

On behalf of Senator Lager and himself, the President introduced to the Senate, Megan Graves.

On behalf of Senator Champion, the President introduced to the Senate, Lucas Case.

On motion of Senator Engler, the Senate adjourned under the rules.

### **SENATE CALENDAR**

---

**TENTH DAY—TUESDAY, JANUARY 26, 2010**

---

### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 816-Lembke  
SB 817-Lembke  
SB 818-Lembke  
SB 819-Lembke  
SB 820-McKenna  
SB 821-Nodler, et al  
SB 822-Keaveny

SB 823-Ridgeway  
SB 824-Clemens  
SB 825-Clemens  
SB 826-Griesheimer  
SJR 38-Ridgeway  
SJR 39-Crowell

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

**TENTH DAY—TUESDAY, JANUARY 26, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I wish to preach, not the doctrine of ignoble ease, but the doctrine of the strenuous life.” (Theodore Roosevelt, 1899)

Almighty God, we know that all of us have failed at one time or another to produce the results You have laid out for us to do. And many have failed because they have stopped even before the final hour had come. So we pray grant us the perseverance to push on even when we are discouraged and ready to quit and seek rather to accomplish what we must be about. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

### RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1463, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alfred Schlitt, Gordonville, which was adopted.

Senator Schaefer offered Senate Resolution No. 1464, regarding Christine Koukola, Columbia, which was adopted.

Senator Stouffer offered Senate Resolution No. 1465, regarding Old World Spices & Seasonings, Inc., Kansas City, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1466, regarding Andrew J. McCall, Saint Louis, which was adopted.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 827**—By Schaefer.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the extension of certain county taxes.

**SB 828**—By Schaefer.

An Act to repeal section 56.700, RSMo, and to enact in lieu thereof one new section relating to mental health duties of certain county counselors.

**SB 829**—By Schaefer.

An Act to repeal section 67.402, RSMo, and to enact in lieu thereof one new section relating to nuisance abatement ordinances.

**SB 830**—By Schaefer.

An Act to repeal section 64.170, RSMo, and to enact in lieu thereof one new section relating to county ordinances establishing minimum standards for residential occupancy.

**SB 831**—By Schaefer.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to establishing county curfew hours, with penalty provisions.

**SB 832**—By Dempsey.

An Act to amend chapter 578, RSMo, by adding thereto fourteen new sections relating to the large carnivore act, with penalty provisions.

**SB 833**—By Goodman.

An Act to repeal section 351.340, RSMo, and to enact in lieu thereof one new section relating to board meetings of corporations.

**SB 834**—By Rupp.

An Act to repeal section 375.1175, RSMo, and to enact in lieu thereof one new section relating to the liquidation of certain domestic insurance companies.

**SB 835**—By Rupp and Keaveny.

An Act to repeal sections 160.405 and 160.410, RSMo, and to enact in lieu thereof two new sections relating to charter schools.

### **INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, Mollie Landers.

Senator Engler introduced to the Senate, tenth grade students from Jefferson R-7 School, Jefferson County.

Senator Griesheimer introduced to the Senate, Matt Arand, Eureka.

On motion of Senator Engler, the Senate adjourned under the rules.

### **SENATE CALENDAR**

---

ELEVENTH DAY—WEDNESDAY, JANUARY 27, 2010

---

### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 816-Lembke  
SB 817-Lembke  
SB 818-Lembke  
SB 819-Lembke  
SB 820-McKenna  
SB 821-Nodler, et al  
SB 822-Keaveny  
SB 823-Ridgeway  
SB 824-Clemens  
SB 825-Clemens  
SB 826-Griesheimer

SB 827-Schaefer  
SB 828-Schaefer  
SB 829-Schaefer  
SB 830-Schaefer  
SB 831-Schaefer  
SB 832-Dempsey  
SB 833-Goodman  
SB 834-Rupp  
SB 835-Rupp and Keaveny  
SJR 38-Ridgeway  
SJR 39-Crowell

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**ELEVENTH DAY—WEDNESDAY, JANUARY 27, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Walk in wisdom towards them that are without...Let your speech be always with grace.” (Colossians 4:5-6)

Gracious God, help us do our best at all times, to behave as You would have Your children, “who walk in wisdom” live. Help us that we might use our intelligence wisely, at every opportunity to effectively help those who are hurting and provide direction for those who are lost. May our behavior express warm hearts, kindly voices and an open hand and may our speech be endowed with grace for others to see and experience. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Shoemyer offered Senate Resolution No. 1467, regarding Katie Walker, Hannibal, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1468, regarding Shelbi Walker, Hannibal, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1469, regarding Alyssa Zoe-Ann Epperson, Center, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1470, regarding Audrey Ann Powell, New London, which was adopted.

Senator Champion offered Senate Resolution No. 1471, regarding Charles R. Slavens, Springfield, which was adopted.

Senator Mayer offered Senate Resolution No. 1472, regarding Mitchell Davis, Poplar Bluff, which was adopted.

Senator Lager offered Senate Resolution No. 1473, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clay Dean Clevenger, Braymer, which was adopted.

Senator Lager offered Senate Resolution No. 1474, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roland Barmann, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 1475, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Elic Riley, Elmo, which was adopted.

Senator Purgason offered Senate Resolution No. 1476, regarding the One Hundredth Birthday of Anna Mae Browning, Camdenton, which was adopted.

Senator Rupp offered Senate Resolution No. 1477, regarding Phyllis Cross, Troy, which was adopted.

Senator Rupp offered Senate Resolution No. 1478, regarding Pat Summerall, which was adopted.

Senator Rupp offered Senate Resolution No. 1479, regarding Joe Witte, Troy, which was adopted.

Senator Stouffer offered Senate Resolution No. 1480, regarding Ean Daniel Wilson, Odessa, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1481, regarding Andrew Ryan Matheney, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1482, regarding Brent Michael Zurauff, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1483, regarding Nicholas Allen Frankenfield, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1484, regarding Cody Nelson Auffert, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1485, regarding Preston Alexander Owen, which was adopted.

Senator Vogel offered Senate Resolution No. 1486, regarding Miriam Moseley, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1487, regarding the Capital Area American Red Cross, Jefferson City, which was adopted.

Senator Clemens offered Senate Resolution No. 1488, regarding the 2009 National Champion FFA Floriculture Team, Marshfield High School, which was adopted.

Senator Rupp offered Senate Resolution No. 1489, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roger Tiesing, Troy, which was adopted.

Senator Griesheimer requested unanimous consent of the Senate to allow Franklin County Sheriff, Gary Toelke, to enter the Senate Chamber with a side arm, which request was granted.

Senator Stouffer assumed the Chair.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 836**—By Justus.

An Act to repeal sections 302.309, 478.003, 478.009, 479.010, 577.010, 577.012, 577.023, and 577.041, RSMo, and to enact in lieu thereof eleven new sections relating to intoxication-related offenses, with penalty provisions.

**SB 837**—By Rupp.

An Act to repeal sections 302.220 and 302.230, RSMo, and to enact in lieu thereof three new sections relating to fraudulent transactions involving motor vehicle documents, with penalty provisions.

**SB 838**—By Rupp.

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact in lieu thereof five new sections relating to charter schools.

**SB 839**—By Wright-Jones.

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof one new section relating to the imposition of penalties on holders of gaming licenses.

**SB 840**—By Schmitt.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to tax incentives to attract sporting events to Missouri.

**SB 841**—By Schmitt.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to memorial highway designations.

**SB 842**—By Schmitt.

An Act to repeal section 208.215, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet division's authority to collect from third-party payors.

**SB 843**—By Shoemyer, Barnitz and Griesheimer.

An Act to repeal sections 135.010 and 135.025, RSMo, and to enact in lieu thereof two new sections relating to the property tax credit.

**SB 844**—By Shields.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to contracts for purchasing, printing, and services for statewide elected officials.

**SB 845**—By Barnitz.

An Act to repeal sections 115.279, 115.281, 115.287, 115.291, and 115.292, RSMo, and to enact in lieu thereof seven new sections relating to uniformed and overseas voters.

**SB 846**—By Barnitz.

An Act to repeal sections 447.503 and 447.559, RSMo, and to enact in lieu thereof two new sections relating to lost and unclaimed property.

**SB 847**—By Barnitz.

An Act to repeal sections 115.287 and 115.293, RSMo, and to enact in lieu thereof two new sections relating to delivery and counting of absentee ballots.

**SJR 40**—By Goodman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to guaranteeing the right to vote by secret ballot.

**SJR 41**—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to guaranteeing the right to vote by secret ballot.

Senator Lembke requested unanimous consent of the Senate to withdraw **SJR 41**, which request was granted.

## **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCR 35** and **SCR 32**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTIONS NOS. 35 and 32

Relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

WHEREAS, the State Tax Commission is required pursuant to section 137.021 of the Revised Statutes of Missouri to biannually promulgate by regulation a value based upon productive capability for each grade of agricultural and horticultural land; and

WHEREAS, on December 21, 2009, the State Tax Commission filed with the Secretary of State a proposed amendment to 12 CSR 30-

4.010 relating to agricultural land productive values; and

WHEREAS, the proposed amendment to 12 CSR 30-4.010 increases the values of various agricultural land grades beyond the level which the General Assembly considers to be fair and reasonable; and

WHEREAS, section 137.021 of the Revised Statutes of Missouri permits the General Assembly to disapprove, within the first sixty days of the regular session, the promulgated agricultural values:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the members of the General Assembly disapprove of the new agricultural land productive values contained in the proposed amendment to 12 CSR 30-4.010 and that the State Tax Commission shall continue to use values set forth in the most recent preceding regulation promulgated under section 137.021 of the Revised Statutes of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Missouri State Tax Commission.

### **INTRODUCTIONS OF GUESTS**

Senator Justus introduced to the Senate, Carol Hallquist, Kahtia Bobo and Sister Berta Sailer, Kansas City.

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. John Lilly, M.D., Willard.

Senator Clemens introduced to the Senate, Sarah Greek and her brother, Stephen, Gentryville; and Stephen was made an honorary page.

Senator Nodler introduced to the Senate, Brian and Amy Carpenter, Joplin.

Senator Schaefer introduced to the Senate, Nidhi Khurana, Columbia; and Nidhi was made an honorary page.

Senator Griesheimer introduced to the Senate, Sheriff Gary Toelke, Franklin County.

Senator Lager introduced to the Senate, members of the Class 2A State Champion Maryville High School football team.

Senator Shoemyer introduced to the Senate, Crystal and Mary Short, Hannibal.

Senator Scott introduced to the Senate, Michael Dublin, Bolivar.

On motion of Senator Engler, the Senate adjourned under the rules.

### **SENATE CALENDAR**

---

**TWELFTH DAY—THURSDAY, JANUARY 28, 2010**

---

### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 816-Lembke  
SB 817-Lembke

SB 818-Lembke  
SB 819-Lembke



SB 820-McKenna	SB 836-Justus
SB 821-Nodler, et al	SB 837-Rupp
SB 822-Keaveny	SB 838-Rupp
SB 823-Ridgeway	SB 839-Wright-Jones
SB 824-Clemens	SB 840-Schmitt
SB 825-Clemens	SB 841-Schmitt
SB 826-Griesheimer	SB 842-Schmitt
SB 827-Schaefer	SB 843-Shoemyer, et al
SB 828-Schaefer	SB 844-Shields
SB 829-Schaefer	SB 845-Barnitz
SB 830-Schaefer	SB 846-Barnitz
SB 831-Schaefer	SB 847-Barnitz
SB 832-Dempsey	SJR 38-Ridgeway
SB 833-Goodman	SJR 39-Crowell
SB 834-Rupp	SJR 40-Goodman
SB 835-Rupp and Keaveny	

## INFORMAL CALENDAR

## RESOLUTIONS

Reported from Committee

SCRs 35 &amp; 32-Stouffer, et al, with SCS

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWELFTH DAY—THURSDAY, JANUARY 28, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“God does not need great men but great men need God.” (Ulysses S. Grant)

We thank You merciful God for helping us recognize our need of You in our lives and in our family life. Let us be mindful of this gift as we hurry home this day and may we use each minute wisely and lovingly with those You have given us to love. May we rejoice for the community we live in and the community of faith that we are free to worship in, for You are truly a gracious God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Dempsey offered Senate Resolution No. 1490, regarding Jacqueline “Jackie” Borgmeyer, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1491, regarding Donna Hafer, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1492, regarding Lorna Frahm, St. Peters, which was adopted.

Senator Dempsey offered Senate Resolution No. 1493, regarding Ken Tucker, which was adopted.

Senator Dempsey offered Senate Resolution No. 1494, regarding Jim Rau, St. Charles, which was adopted.

Senator Barnitz offered Senate Resolution No. 1495, regarding Kimberly Fuhr, Crocker, which was adopted.

Senator Crowell offered Senate Resolution No. 1496, regarding Paula Myers, Cape Girardeau, which was adopted.

Senator Schaefer offered Senate Resolution No. 1497, regarding Linda Hightshoe, Hallsville, which was adopted.

Senator Schaefer offered Senate Resolution No. 1498, regarding Marie Nau Hunter, Columbia, which was adopted.

Senator Crowell offered Senate Resolution No. 1499, regarding Dr. Karen Bangert, which was adopted.

Senator Crowell offered Senate Resolution No. 1500, regarding Northwestern Mutual Financial Network-The Hahs Group, which was adopted.

Senator Callahan offered Senate Resolution No. 1501, regarding Sally Winship, Lee’s Summit, which was adopted.

Senator Rupp offered Senate Resolution No. 1502, regarding the Fellowship of Christian Athletes, St. Charles, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 848**—By Barnitz.

An Act to repeal sections 393.1025 and 393.1030, RSMo, and to enact in lieu thereof two new sections relating to methane from agricultural operations.

**SB 849**—By Barnitz.

An Act to repeal sections 190.335 and 190.339, RSMo, and to enact in lieu thereof two new sections relating to emergency services.

**SB 850**—By Barnitz.

An Act to repeal section 204.472, RSMo, and to enact in lieu thereof one new section relating to sewer service for certain annexed areas.

**SB 851**—By Schmitt, Bartle, Lembke, Days, Wright-Jones, Bray, Dempsey, Goodman, Engler, Green, Lager, Vogel, Keaveny, Callahan, Griesheimer, Justus, Purgason, Champion, Ridgeway, Schaefer, McKenna, Wilson, Rupp, Scott, Clemens, Mayer and Stouffer.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to public notice required for certain meetings of political subdivisions.

**SB 852**—By Lager, Lembke and Rupp.

An Act to repeal sections 213.010, 213.070, 213.101, 213.111, and 287.780, RSMo, and to enact in lieu thereof five new sections relating to unlawful discriminatory practices in employment.

**SB 853**—By Keaveny and Wright-Jones.

An Act to repeal section 542.301, RSMo, and to enact in lieu thereof one new section relating to disposition of unclaimed seized property, with an emergency clause.

**SB 854**—By Keaveny and Wright-Jones.

An Act to repeal section 610.100, RSMo, and to enact in lieu thereof one new section relating to the disclosure of police officer identity in investigative reports.

**SB 855**—By Schaefer.

An Act to amend chapter 193, RSMo, by adding thereto one new section relating to heritage birth or marriage certificates.

**SB 856**—By Schaefer.

An Act to repeal section 558.016, RSMo, and to enact in lieu thereof one new section relating to persistent misdemeanor offenders, with penalty provisions.

**SB 857**—By Schaefer.

An Act to repeal section 556.061, RSMo, and to enact in lieu thereof one new section relating to dangerous felonies.

**SB 858**—By Schaefer.

An Act to repeal section 575.220, RSMo, and to enact in lieu thereof one new section relating to the crime of failing to return to confinement, with penalty provisions.

**SB 859**—By Schaefer.

An Act to repeal sections 565.070 and 565.074, RSMo, and to enact in lieu thereof three new sections relating to crimes of assault, with penalty provisions.

**SB 860**—By Bray.

An Act to repeal section 67.110, RSMo, and to enact in lieu thereof one new section relating to ad valorem property tax rates.

**SB 861**—By Dempsey.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to the accreditation of vascular laboratories.

**SB 862**—By Callahan.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a local sales tax for the promotion of tourism.

**SB 863**—By Callahan.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

**SB 864**—By Lembke.

An Act to amend chapters 302 and 304, RSMo, by adding thereto two new sections relating to the use of automated traffic enforcement systems by political subdivisions, with penalty provisions.

**SB 865**—By Wilson and Keaveny.

An Act to amend chapter 452, RSMo, by adding thereto four new sections relating to parenting coordinators.

**SB 866**—By Wright-Jones.

An Act to amend chapters 197 and 287, RSMo, by adding thereto two new sections relating to hospital patient safety.

**SB 867**—By Mayer.

An Act to repeal sections 429.005, 429.015, 429.080, 429.180, 429.210, 429.230, 429.320, and 429.330, RSMo, and to enact in lieu thereof nine new sections relating to statutory liens against real estate.

**SB 868**—By Shields.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to tax incentives for data storage and server farm facilities.

Senator Dempsey assumed the Chair.

### **CONCURRENT RESOLUTIONS**

Senator Stouffer moved that **SCR 35** and **SCR 32**, with **SCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **SCRs 35** and **32**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTIONS NOS. 35 and 32**

Relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

Was taken up.

Senator Stouffer moved that **SCS** for **SCRs 35** and **32** be adopted.

Senator Stouffer offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Concurrent Resolution Nos. 35 and 32, as it appears

in the Senate Journal for Wednesday, January 27, 2010, Page 174, Line 36, by striking the word “biannually” and inserting in lieu thereof the following: “biennially”.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SCS** for **SCRs 35** and **32**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SCRs 35** and **32**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bray	Days	Keaveny—3
------	------	-----------

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Stouffer, title to the concurrent resolution was agreed to.

Senator Stouffer moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCRs 7, 3** and **17**.

#### HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NOS. 7, 3, and 17

Relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

---

#### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, Section 137.021, RSMo, provides that on or before December thirty-first of each odd-numbered year the State Tax Commission is required under Section 137.021, RSMo, to promulgate by regulation a value for each grade of agricultural and horticultural land based on productive capability; and

Whereas, on December 21, 2009, the State Tax Commission filed with the Secretary of State a proposed amendment to 12 CSR 30.4-010 relating to agricultural land productive values; and

Whereas, the State Tax Commission, in accordance with Section 137.021, RSMo, did on December 15, 2009, propose a value for each of the several grades of agricultural and horticultural land for the 2011 and 2012 assessment years; and

Whereas, Missouri farms are divided into eight grade categories based on land quality, with the best farms in Grade 1 and the worst in Grade 8; and

Whereas, the State Tax Commission increased the value for farms in the four best categories which is generally cropland, lowered values for three lesser categories which include pastures, and made no change to the lowest category; and

Whereas, Missouri farmers are currently carrying some of the highest debt load in the nation and simply cannot afford to pay a property tax increase at this time; and

Whereas, Section 137.021, RSMo, permits the General Assembly to disapprove within the first sixty days of the next Regular Session of the General Assembly the agricultural and horticultural values as proposed by the State Tax Commission:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby disapprove the State Tax Commission's proposed amendment to 12 CSR 30.4-010 promulgated under Section 137.021, RSMo, establishing agricultural land values for the 2011 and 2012 assessment years; and

Be it further resolved that the General Assembly recommends that the State Tax Commission review the current procedure for determining and establishing agricultural land values; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Missouri State Tax Commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Theodore M. Vollmar, Republican, as a member of the Missouri Health Facilities Review Committee;

Also,

Bruce Manning, Susan Hazelwood, Donald Scott Bockenkamp, Charli Jo Ledgerwood and Gwendolyn Grant, as members of the Safe Drinking Water Commission;

Also,

Kevin O'Malley and James DiRenna, Democrats, as members of the State Board of Registration for the Healing Arts;

Also,

Cathy Steele, as a member of the Missouri Family Trust Board of Trustees;

Also,

Susan E. Block, as a member of the Children's Trust Fund Board;

Also,

Deborah Onken, Mark Skrade, Nancy O'Reilly and Patrick Maloney, as members of the State Committee of Psychologists;

Also,

Abiodun A. Adewale, Kathy W. Achelpohl, Daniel L. Govero and Kenneth M. Frashier, as members of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects;

Also,

LaRee DeFreece, Democrat, as a member of the State Environmental Improvement and Energy Resources Authority;

Also,

Susan A. Fluegel, as a member of the Child Abuse and Neglect Review Board;

Also,

Dianna Reed, Democrat, as a member of the Air Conservation Commission;

Also,

Kimberly Dickerson, Republican, as a member of the Dam and Reservoir Safety Council;

Also,

Boyd Harris, Republican and William Duncan, Democrat, as members of the Missouri Real Estate Appraisers Commission;

Also,

Willis Jackson Magruder, as a member of the Missouri Higher Education Loan Authority;

Also,

Gary Vandiver, Democrat, as a member of the State Soil and Water Districts Commission;

Also,

Angela Beshears, Republican, as a member of the Clay County Board of Election Commissioners;

Also,

Sharon L. Keating, as a member of the Missouri Real Estate Commission.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

Senator Shields assumed the Chair.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 618**, begs leave to report that it has considered the same and recommends that the bill do pass.



Senator Dempsey assumed the Chair.

### **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 816**—Ways and Means.

**SB 817**—Governmental Accountability and Fiscal Oversight.

**SB 818**—Financial and Governmental Organizations and Elections.

**SB 819**—Jobs, Economic Development and Local Government.

**SB 820**—Transportation.

**SB 821**—Health, Mental Health, Seniors and Families.

**SB 822**—Transportation.

**SB 823**—Ways and Means.

**SB 824**—Agriculture, Food Production and Outdoor Resources.

**SB 825**—Health, Mental Health, Seniors and Families.

**SB 826**—Jobs, Economic Development and Local Government.

**SB 827**—Jobs, Economic Development and Local Government.

**SB 828**—Health, Mental Health, Seniors and Families.

**SB 829**—Jobs, Economic Development and Local Government.

**SB 830**—Jobs, Economic Development and Local Government.

**SB 831**—Judiciary and Civil and Criminal Jurisprudence.

**SB 832**—Agriculture, Food Production and Outdoor Resources.

**SB 833**—Judiciary and Civil and Criminal Jurisprudence.

**SB 834**—Small Business, Insurance and Industry.

**SB 835**—Education.

**SB 836**—Judiciary and Civil and Criminal Jurisprudence.

**SB 837**—Transportation.

**SB 838**—Education.

**SB 839**—Ways and Means.

**SB 840**—Governmental Accountability and Fiscal Oversight.

**SB 841**—Transportation.

**SB 842**—Small Business, Insurance and Industry.

**SB 843**—Governmental Accountability and Fiscal Oversight.

**SB 844**—General Laws.

**SB 845**—Financial and Governmental Organizations and Elections.

**SB 846**—Veterans’ Affairs, Pensions and Urban Affairs.

**SB 847**—Financial and Governmental Organizations and Elections.

**SJR 38**—Financial and Governmental Organizations and Elections.

**SJR 39**—Education.

### **INTRODUCTIONS OF GUESTS**

Senator Dempsey introduced to the Senate, Michael Flandermeyer, St. Charles.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 1, 2010.

### **SENATE CALENDAR**

THIRTEENTH DAY—MONDAY, FEBRUARY 1, 2010

### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 848-Barnitz	SB 859-Schaefer
SB 849-Barnitz	SB 860-Bray
SB 850-Barnitz	SB 861-Dempsey
SB 851-Schmitt, et al	SB 862-Callahan
SB 852-Lager, et al	SB 863-Callahan
SB 853-Keaveny and Wright-Jones	SB 864-Lembke
SB 854-Keaveny and Wright-Jones	SB 865-Wilson and Keaveny
SB 855-Schaefer	SB 866-Wright-Jones
SB 856-Schaefer	SB 867-Mayer
SB 857-Schaefer	SB 868-Shields
SB 858-Schaefer	SJR 40-Goodman

### **SENATE BILLS FOR PERFECTION**

SB 618-Rupp, et al

### **INFORMAL CALENDAR**

### **RESOLUTIONS**

To be Referred

HCS for HCRs 7, 3 & 17

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTEENTH DAY—MONDAY, FEBRUARY 1, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Keep God’s word in this way. Let it enter into your very being, let it take possession of your desires and your whole way of life. (St. Bernard of Clarivaux)

Blessed God, we thank You for this new day and week and pray that we will always trust You for the wisdom we need to make correct, moral decisions in our lives as well as those that effect the lives of those we serve. We pray that we may live Your word with those with whom we work and those who work for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 28, 2010 was read and approved.

Senator Engler requested unanimous consent of the Senate to correct the Senate Journal for Monday, January 25, 2010, Page 164, Line 19, to reflect the introduction and 1st reading of Senate Bill No. 816 and Senate Bill No. 817, which request was granted.

The following correction was made to the Journal for Monday, January 25, 2010:

“**SB 816**—By Lembke.

An Act to repeal section 143.811, RSMo, and to enact in lieu thereof one new section relating to interest on overpayments of taxes.

**SB 817**—By Lembke.

An Act to repeal section 137.106, RSMo, and to enact in lieu thereof one new section relating to the Missouri homestead preservation act.”

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny

Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Lager offered Senate Resolution No. 1503, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John McLarney, Savannah, which was adopted.

Senator Lager offered Senate Resolution No. 1504, regarding the One Hundredth Birthday of Patrick “Pat” Kelly, Maryville, which was adopted.

Senator Days offered Senate Resolution No. 1505, regarding the One Hundredth Birthday of Tessie Parks, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 1506, regarding Helen V. Thompson, Cosby, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1507, regarding Marvin McClanahan, Kirksville, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1508, regarding the American Heart Association, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1509, regarding the African Methodist Episcopal Zion Church, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1510, regarding Amanda L. Murphy, PhD, Saint Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 1511, regarding Matthew Richard Mueller, Fenton, which was adopted.

Senator Dempsey offered Senate Resolution No. 1512, regarding Charlie Beard, which was adopted.

Senator Dempsey offered Senate Resolution No. 1513, regarding Dave Tritz, which was adopted.

Senator Dempsey offered Senate Resolution No. 1514, regarding Kevin Schaefer, which was adopted.

Senator Dempsey offered Senate Resolution No. 1515, regarding Ted Creech, which was adopted.

Senator Dempsey offered Senate Resolution No. 1516, regarding Jerry Kohler, which was adopted.

Senator Dempsey offered Senate Resolution No. 1517, regarding Michael Reitmeyer, which was adopted.

Senator Dempsey offered Senate Resolution No. 1518, regarding Norman S. Fehl, which was adopted.

Senator Dempsey offered Senate Resolution No. 1519, regarding Donald A. Gibson, which was adopted.

Senator Dempsey offered Senate Resolution No. 1520, regarding Robert “Bob” Schulteheinrich, which was adopted.

Senator Crowell offered Senate Resolution No. 1521, regarding Branton Reeves, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1522, regarding Dr. Robert Gifford, Cape Girardeau, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1523, regarding Stephen Clemons, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1524, regarding the Ninety-first Birthday of William Johnson, Sr., St. Louis, which was adopted.

Senator Mayer offered Senate Resolution No. 1525, regarding the One Hundredth Birthday of Dolas Kennon, Doniphan, which was adopted.

Senator Barnitz offered Senate Resolution No. 1526, regarding Betty P. Turner, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 1527, regarding the Eighty-fifth Birthday of Billy Victor Timmerberg, Hermann, which was adopted.

Senator Barnitz offered Senate Resolution No. 1528, regarding Kayleigh Marie Jones, Sullivan, which was adopted.

Senator Lager offered Senate Resolution No. 1529, regarding the Summerville Insurance Agency, Chillicothe, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 869**—By Griesheimer.

An Act to repeal section 307.365, RSMo, and to enact in lieu thereof two new sections relating to the vehicle safety inspection program, with penalty provisions for a certain section.

**SB 870**—By Schaefer.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to conservation easements.

**SB 871**—By Schaefer.

An Act to repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to county purchases.

**SB 872**—By Bray.

An Act to repeal section 447.505, RSMo, and to enact in lieu thereof two new sections relating to gift certificates, with penalty provisions.

**SB 873**—By Wright-Jones.

An Act to repeal section 620.1210, RSMo, and to enact in lieu thereof one new section relating to the Missouri film commission.

**SB 874**—By Pearce.

An Act to repeal sections 204.300 and 204.569, RSMo, and to enact in lieu thereof two new sections relating to sewer districts.

**SB 875**—By Dempsey.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to minimum wage law.

**SB 876**—By Stouffer.

An Act to repeal section 41.216, RSMo, and to enact in lieu thereof one new section relating to the Missouri military family relief fund.

**SB 877**—By Keaveny.

An Act to repeal sections 452.340, 454.475, 454.517, 454.557, and 454.1003, RSMo, and to enact in lieu thereof five new sections relating to child support.

**SB 878**—By Lembke.

An Act to repeal section 143.790, RSMo, and to enact in lieu thereof two new sections relating to a debt setoff for unpaid healthcare expenses.

**SJR 42**—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 2 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the protection of economic freedom.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 29, 2010

### **REORGANIZATION PLAN NO. 1**

**2010**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and Sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2010, by Executive Order 10-15, to transfer the Breath Alcohol Program from the Missouri Department of Transportation and assign it, and all of its responsibilities and functions, to the Department of Health and Senior Services. The Breath Alcohol Program will retain all functions and authority as provided by law. The

Missouri Department of Health and Senior Services shall furnish administrative support and staff as is necessary for the effective operation of the Breath Alcohol Program.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

EXECUTIVE ORDER

10-15

WHEREAS, the Department of Health and Senior Services is established by Chapter 192, RSMo; and

WHEREAS, the Missouri Department of Transportation is established by Article IV, Section 12, of the Missouri Constitution and Chapter 226, RSMo; and

WHEREAS, Chapters 306 and 577, RSMo, require the Missouri Department of Health and Senior Services to license and regulate the chemical analysis used in determining the alcohol or drug content of motor vehicle and watercraft operators; and

WHEREAS, the Breath Alcohol Program is responsible for performing on-site inspection of breath analyzers, as well as approving permits to operate and maintain evidential breath analyzers; permits to analyze blood, urine, and saliva for drugs; and courses to instruct permit holders in the use of breath analyzer equipment; and

WHEREAS, the Breath Alcohol Program was established to ensure that alcohol and drug testing is conducted in a uniform way throughout the state; and

WHEREAS, pursuant to Sections 26.500-26.540, RSMo, Executive Order 07-05 and Reorganization Plan No. 1, providing for the transfer of the Breath Alcohol Program from the Department of Health and Senior Services to the Missouri Department of Transportation, were filed with the General Assembly and were not disapproved; and

WHEREAS, unforeseen administrative issues made the transfer inefficient and not cost effective; and

WHEREAS, the Department of Health and Senior Services has the necessary expertise to administer the Breath Alcohol Program.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Missouri Department of Transportation and the Department of Health and Senior Services to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Breath Alcohol Program from the Missouri Department of Transportation to the Department of Health and Senior Services, by Type I transfer as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the Breath Alcohol Program to the Department of Health and Senior Services; and
3. Transfer the responsibility for staff support for the Breath Alcohol Program from the Missouri Department of Transportation to the Department of Health and Senior Services; and
4. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this transfer.

This Order shall become effective August 28, 2010, unless disapproved within sixty days of its submission to the Second Regular Session of the 95<sup>th</sup> General Assembly.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29<sup>th</sup> day of January, 2010.

Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

Robin Carnahan  
Secretary of State

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 29, 2010

**REORGANIZATION PLAN NO. 2**

**2010**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and Sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 2 of 2010, by Executive Order 10-16, to transfer the scholarship portion of the A+ Schools Program from the Department of Elementary and Secondary Education and assign it, and all of its responsibilities and functions, to the Department of Higher Education. The A+ Schools Program will retain all functions and authority as provided by law. The Missouri Department of Higher Education shall furnish administrative support and staff as is necessary for the effective operation of the scholarship portion of the A+ Schools Program.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

EXECUTIVE ORDER

10-16

WHEREAS, the Department of Elementary and Secondary Education is established by Chapter 161, RSMo; and

WHEREAS, the Department of Higher Education is established by Article IV, Section 52 of the Missouri Constitution, and Chapter 173, RSMo; and

WHEREAS, the State of Missouri has many higher education grant and scholarship programs administered by several government agencies; and

WHEREAS, this causes difficulty for Missouri students and parents trying to determine how much state aid is available to assist them with higher education expenses; and

WHEREAS, the A+ Schools Program is established by Section 160.545, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the A+ Schools Program (1) provides a mechanism to improve public schools in Missouri and (2) grants scholarships to qualifying Missouri students at community colleges and vocational or technical schools; and

WHEREAS, the functions of executive departments may be reassigned using the procedure set forth in Sections 26.500 through 26.540, RSMo; and

WHEREAS, the public school improvement portion of the A+ Schools Program should continue to be administered by the Department of Elementary and Secondary Education; and

WHEREAS, the Department of Higher Education currently administers the vast majority of state educational grants and scholarships and has significant expertise in all areas of higher education funding; and

WHEREAS, centralizing state grant and scholarship programs in the Department of Higher Education simplifies the process for parents and students applying for various types of financial aid and seeking information about post-secondary education; and

WHEREAS, I am committed to promoting new pathways to higher education and consolidating executive branch operations to ensure that the state delivers vital services as efficiently and effectively as possible.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order the Department of Elementary and Secondary Education and the Department of Higher Education to cooperate to:



1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the scholarship portion of the A+ Schools Program from the Department of Elementary and Secondary Education to the Department of Higher Education, by Type I transfer as defined under the Reorganization Act of 1974.
2. Develop mechanisms and processes necessary to effectively transfer the scholarship portion of the A+ Schools Program to the Department of Higher Education;
3. Transfer the responsibility for staff support for the scholarship portion of the A+ Schools Program from the Department of Elementary and Secondary Education to the Department of Higher Education;
4. Ensure the continued administration of the school improvement portion of the A+ Schools Program by the Department of Elementary and Secondary Education.
5. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation.

This Order shall become effective August 28, 2010, unless disapproved within sixty days of its submission to the Second Regular Session of the 95<sup>th</sup> General Assembly.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29<sup>th</sup> day of January, 2010.

Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

Robin Carnahan  
Secretary of State

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 580**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 586** and **SB 617**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 604**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **SECOND READING OF CONCURRENT RESOLUTIONS**

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

**HCS for HCRs 7, 3 and 17**—Rules, Joint Rules, Resolutions and Ethics.

### COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following committee to act with a like committee from the House pursuant to **HCR 2**: Senators Bartle, Schmitt, Goodman, Griesheimer, Pearce, Justus, Days, Keaveny, Bray and Shoemyer.

On motion of Senator Engler, the Senate adjourned under the rules.

### SENATE CALENDAR

---

FOURTEENTH DAY—TUESDAY, FEBRUARY 2, 2010

---

### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 848-Barnitz	SB 865-Wilson and Keaveny
SB 849-Barnitz	SB 866-Wright-Jones
SB 850-Barnitz	SB 867-Mayer
SB 851-Schmitt, et al	SB 868-Shields
SB 852-Lager, et al	SB 869-Griesheimer
SB 853-Keaveny and Wright-Jones	SB 870-Schaefer
SB 854-Keaveny and Wright-Jones	SB 871-Schaefer
SB 855-Schaefer	SB 872-Bray
SB 856-Schaefer	SB 873-Wright-Jones
SB 857-Schaefer	SB 874-Pearce
SB 858-Schaefer	SB 875-Dempsey
SB 859-Schaefer	SB 876-Stouffer
SB 860-Bray	SB 877-Keaveny
SB 861-Dempsey	SB 878-Lembke
SB 862-Callahan	SJR 40-Goodman
SB 863-Callahan	SJR 42-Lembke
SB 864-Lembke	

### SENATE BILLS FOR PERFECTION

SB 618-Rupp, et al	SBs 586 & 617-Bartle, with SCS
SB 580-Griesheimer, with SCS	SB 604-Mayer, with SCS

# Journal of the Senate

## SECOND REGULAR SESSION

---

### FOURTEENTH DAY—TUESDAY, FEBRUARY 2, 2010

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be still. Listen to the stones of the wall. Be silent, they try to speak your name.” (Thomas Merton)

Gracious God, help us to find moments to be silent so our stress is reduced and our soul is in touch with You. Help us to be centered that our minds and efforts are one with the purpose we are here to perform. Help us to treat each activity, meeting and conversation as if You are intently watching all that we are about and so it is done as unto You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers with the Chinese delegation and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Lembke offered Senate Resolution No. 1530, regarding Luke Yamnitz, St. Louis, which was adopted.

Senator Vogel offered Senate Resolution No. 1531, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald E. Knollmeyer, Bonnotts Mill, which was adopted.

Senator Stouffer offered Senate Resolution No. 1532, regarding Roy E. Young, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1533, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eddie Jeske, Lexington, which was adopted.

Senator Schaefer offered Senate Resolution No. 1534, regarding the Ninetieth Birthday of Lorene F. Tetley, Columbia, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1535, regarding Danni Nicole's, Hannibal, which was adopted.

Senator Lager offered Senate Resolution No. 1536, regarding Caleb Michael Stull, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 1537, regarding Blake Allen Brose, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 1538, regarding Ari Spencer Coleman, Chillicothe, which was adopted.

## CONCURRENT RESOLUTIONS

Senators Justus and Bray offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 44

WHEREAS, lesbian, gay, and bisexual Americans have served honorably in the Armed Forces throughout United States history and continue to serve with distinction on active duty, including in the wars in Iraq and Afghanistan; and

WHEREAS, the "Don't Ask, Don't Tell" policy currently does not allow openly lesbian, gay, or bisexual Americans to serve in the military only because of their sexual orientation; and

WHEREAS, more than 13,500 service members have been discharged under the "Don't Ask, Don't Tell" policy since the policy was enacted in 1993, including approximately 800 service members who performed heavily specialized jobs, such as Arabic translators, medical specialists, pilots, and intelligence personnel; and

WHEREAS, American taxpayers have spent more than \$360 million to carry out the "Don't Ask, Don't Tell" policy by removing and replacing qualified and honorable service members because of their sexual orientation; and

WHEREAS, the United States military's readiness to protect and defend our nation is severely compromised by spending taxpayer money to discharge honorable service members who are satisfactorily carrying out all required tasks, many of which are highly specialized, making it difficult to find qualified replacement personnel; and

WHEREAS, America's allies in the war on terror, including the United Kingdom, Australia, Canada, and Israel, allow lesbian and gay service members to serve openly; and

WHEREAS, every Department of Defense authorized study has shown that there is no correlation between sexual orientation and unit cohesion in the Armed Forces; and

WHEREAS, there are more than 20,000 military and civilian personnel stationed in Missouri, and an estimated 9,000 lesbian, gay, or

bisexual veterans currently residing in Missouri:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby support the Military Readiness Enhancement Act that would replace the current “Don't Ask, Don't Tell” policy with a policy of nondiscrimination based on sexual orientation, and respectfully urge the Congress to pass and the President to sign the Military Readiness Enhancement Act so that lesbian, gay, and bisexual Americans are able to serve their country as any other American would be allowed to serve; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each member of Missouri's congressional delegation.

On motion of Senator Engler, the Senate recessed until 10:45 a.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Kinder.

## **CONCURRENT RESOLUTIONS**

Senator Stouffer offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 45**

WHEREAS, many brave and dedicated members of the military call Missouri home; and

WHEREAS, the state of Missouri has a long history of supporting the military in their mission to protect and defend the American people; and

WHEREAS, ensuring that our military forces are a strong and cohesive unit is a priority for all Missourians; and

WHEREAS, federal law currently embodies what has commonly been referred to as the “Don't Ask, Don't Tell” policy, which requires that members of the armed forces be separated from the service if they engage in homosexual acts or are openly gay; and

WHEREAS, this federal law helps ensure unit cohesion that is essential to our military's fighting capability; and

WHEREAS, ending this policy, particularly while American troops are engaged in combat in Afghanistan and Iraq, would be disruptive to the military and to their mission; and

WHEREAS, senior military leaders have reportedly expressed concern about the extra stress that ending this policy would place on members of the military:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly support the service members of the United States military and urge the United States Congress to help these service members carry out their mission by continuing to support the “Don't Ask, Don't Tell” policy; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of Defense and each member of Missouri's congressional delegation.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 879**—By Schaefer.

An Act to amend chapter 558, RSMo, by adding thereto one new section relating to offender substance and alcohol abuse treatment.

**SB 880**—By Schaefer.

An Act to repeal section 478.009, RSMo, and to enact in lieu thereof two new sections relating to intoxication-related traffic offenses.

**SENATE BILLS FOR PERFECTION**

Senator Rupp moved that **SB 618** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Rupp offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 618, Page 3, Section 376.1224, Line 72, by striking the following: “solely”; and

Further amend said bill, page, section, line 90, by inserting after “necessary.” the following:

**“Any such agreement regarding the right to review a treatment plan more frequently shall only apply to a particular individual being treated for an autism spectrum disorder and shall not apply to all individuals being treated for autism spectrum disorders by a physician or psychologist.”; and**

Further amend said bill, page and section, line 91, by inserting after “review” the following: **“or treatment plan”**.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer assumed the Chair.

Senator Bray offered **SA 2**, which was read:

**SENATE AMENDMENT NO. 2**

Amend Senate Bill No. 618, Page 6, Section 376.1224, Lines 171-176, by striking said lines.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Days, Green and Keaveny.

Senator Nodler assumed the Chair.

At the request of Senator Rupp, **SB 618**, with **SA 2** (pending), was placed on the Informal Calendar.

At the request of Senator Griesheimer, **SB 580**, with **SCS**, was placed on the Informal Calendar.

**SB 586** and **SB 617**, with **SCS**, were placed on the Informal Calendar.

On motion of Senator Engler, the Senate recessed until 2:45 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Callahan.

**RESOLUTIONS**

Senator Lager offered Senate Resolution No. 1539, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Albert Muff, Jr., Burlington Junction, which was adopted.

Senator Lager offered Senate Resolution No. 1540, regarding Becky Steele, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 1541, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Romaine Henry, Maitland, which was adopted.

## **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 36**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 37**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 577**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

## **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: Pursuant to the following corrected message, I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Escort committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Stevenson, Cox, Bringer, Burnett, Diehl, Flook, Grill, Jones (89), Kelly, Leara, Lipke, Low, Smith (150), Vogt, Pratt, Colona, Storch, Calloway, Kander, and Talboy.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1544**, entitled:

An Act to repeal section 288.062, RSMo, and to enact in lieu thereof one new section relating to unemployment compensation, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1442**, entitled:

An Act to repeal sections 67.1360, 94.510, 94.550, and 94.577, RSMo, and to enact in lieu thereof six new sections relating to city sales taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**INTRODUCTIONS OF GUESTS**

Senator Stouffer introduced to the Senate, Aaron McMullen, Lexington.

Senator Stouffer introduced to the Senate, Javen Shepherd, Jefferson City.

Senator Engler introduced to the Senate, Andrew Shaughnessy, Ste. Genevieve.

Senator Lager introduced to the Senate, representatives of the Great Northwest Day Organization.

Senator Schmitt introduced to the Senate, Harrison Ochs, Kirkwood.

Senator Schaefer introduced to the Senate, Linda Bozoian, Allie Scheppers and students from New Haven Elementary School.

Senator Scott introduced to the Senate, Brenda Tippie and Linda Fisher, Sedalia.

Senator Shields introduced to the Senate, Ambassador Zhou, China's Ambassador to the United States, and his wife, Madam Zhou.

Senator Schaefer introduced to the Senate, Lisa Schanker, Jim Steelman, Ken Greimann and sixty fourth grade students from Grant Elementary School, Columbia.

On motion of Senator Engler, the Senate adjourned under the rules.

**SENATE CALENDAR**


---

FIFTEENTH DAY—WEDNESDAY, FEBRUARY 3, 2010

---

**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 848-Barnitz	SB 862-Callahan
SB 849-Barnitz	SB 863-Callahan
SB 850-Barnitz	SB 864-Lembke
SB 851-Schmitt, et al	SB 865-Wilson and Keaveny
SB 852-Lager, et al	SB 866-Wright-Jones
SB 853-Keaveny and Wright-Jones	SB 867-Mayer
SB 854-Keaveny and Wright-Jones	SB 868-Shields
SB 855-Schaefer	SB 869-Griesheimer
SB 856-Schaefer	SB 870-Schaefer
SB 857-Schaefer	SB 871-Schaefer
SB 858-Schaefer	SB 872-Bray
SB 859-Schaefer	SB 873-Wright-Jones
SB 860-Bray	SB 874-Pearce
SB 861-Dempsey	SB 875-Dempsey



SB 876-Stouffer  
SB 877-Keaveny  
SB 878-Lembke  
SB 879-Schaefer

SB 880-Schaefer  
SJR 40-Goodman  
SJR 42-Lembke

HOUSE BILLS ON SECOND READING

HCS for HB 1544

HB 1442-Jones (89), et al

SENATE BILLS FOR PERFECTION

SB 604-Mayer, with SCS

SB 577-Shields, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 580-Griesheimer, with SCS  
SBs 586 & 617-Bartle, with SCS

SB 618-Rupp, et al, with SA 2 (pending)

RESOLUTIONS

Reported from Committee

SCR 36-Schmitt and Rupp

SCR 37-Schmitt

To be Referred

SCR 44-Justus and Bray

SCR 45-Stouffer

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

### FIFTEENTH DAY—WEDNESDAY, FEBRUARY 3, 2010

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“...what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?” (Micah 6:8b)

Merciful Lord, as concerns of the judiciary are brought to our attention help us be mindful of Micah’s teaching. Let us assure our people that justice will be fairly meted out. And as our struggling economy shows the needs of the unemployed increase and the poor need our help. Fill us with compassion and wisdom so that we might be about those things that are truly helpful, and do what we can to grow jobs and increase the opportunity for employment. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 1542, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Ross, Chaffee, which was adopted.

Senator Crowell offered Senate Resolution No. 1543, regarding the Fifty-sixth Wedding Anniversary of Mr. and Mrs. Alan Duane Mickel, which was adopted.

Senator Crowell offered Senate Resolution No. 1544, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Horrell, Scott City, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1545, regarding Ryan Daffron, Bowling Green, which was adopted.

Senator Engler offered Senate Resolution No. 1546, regarding Mike Rawson, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1547, regarding Don Roper, Farmington, which was adopted.

Senator Shields offered Senate Resolution No. 1548, regarding the One Hundredth Anniversary of Boy Scouts of America, which was adopted.

Senator Shields offered Senate Resolution No. 1549, regarding Alex Olson, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1550, regarding Zach Kesner, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 881**—By Green.

An Act to repeal sections 115.305, 115.342, 115.346, 321.130, and 321.711, RSMo, and to enact in lieu thereof five new sections relating to political subdivisions.

**SB 882**—By Green.

An Act to repeal sections 105.473, 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.036, 130.046, 130.057, 130.071, 138.190, 138.200, 215.020, 286.010, 386.050, and 621.015, RSMo, and to enact in lieu thereof twenty new sections relating to the ethics commission, with penalty provisions for certain sections.

**SB 883**—By Dempsey.

An Act to repeal section 94.270, RSMo, and to enact in lieu thereof one new section relating to license taxes imposed by certain cities.

**SB 884**—By Schaefer.

An Act to repeal section 196.1003, RSMo, and to enact in lieu thereof seven new section relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

**SB 885**—By Schaefer.

An Act to repeal section 414.072, RSMo, and to enact in lieu thereof two new sections relating to motor fuel training and equipment.

**SB 886**—By Schaefer.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to plumbing codes.

**SB 887**—By Schaefer.

An Act to repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to the designation of controlled substances, with penalty provisions.

### SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 604**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 604**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 604

An Act to repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

Was taken up.

Senator Mayer moved that **SCS** for **SB 604** be adopted.

At the request of Senator Mayer, **SB 604**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Engler moved that the Senate recess to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable Ray Price, which motion prevailed.

### JOINT SESSION

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

#### Present—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

#### Absent—Senators

Champion      Purgason—2

Absent with leave—Senators—None

Vacancies—None

On roll call the following Representatives were present:

#### Present—Representatives

Allen	Atkins	Aull	Biermann	Bivens	Brandom	Bringer	Brown 30
Brown 50	Brown 149	Bruns	Burlison	Burnett	Calloway	Carter	Casey

Chappelle-Nadal	Colona	Cooper	Corcoran	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith	Fallert	Fischer107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 89	Jones 117	Kander	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Sater	Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter	Wilson 119	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker—148				

## Absent and Absent with Leave—Representatives

Curls	Holsman	Jones 63	Keeney	Kuessner	Roorda	Salva	Sander
Schlottach	Viebrock	Wilson 130—11					

## Vacancies—4

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Ray Price, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

Chief Justice William Ray Price, Jr.  
State of the Judiciary Address  
February 3, 2010

Mr. Speaker, Mr. President, Members of the General Assembly:

It is my honor to deliver this 37th State of the Judiciary Address.

I am completing my 17<sup>th</sup> year as a judge of the Missouri Supreme Court. In that time I have seen governors come and go, speakers of the House, lieutenant governors, president pro tems of the Senate, representatives and senators, all come and go. They all faced challenges and all claimed success of one kind or another.

As we look at this coming year, it is helpful to place ourselves in the context of time. Modern science teaches us that the universe we know began with a “great bang” 14 billion years ago. The earth was formed four billion years ago. Human life came into existence perhaps one or two million years ago. The reigns of David and Solomon were three thousand years ago. Against this backdrop, our lives, our times of service, are but a blink of God’s eye. Or in the words of the 90<sup>th</sup> Psalm: “All our days, pass away ... like a sigh.”

The famous author, John Updike, who died this year, described life as a “leap out of the dark and back.” In more earthy terms, my uncle, an Iowa farmer, says that “no man plows too deep a furrow.” But no matter how brief our time or small our step, this is our opportunity to do what we can to make Missouri a better place.

In some years, there have been grand proposals and bold initiatives. Given the economic realities confronting us, that will not be the case this year. Instead our contribution will be to live within our means, to provide the core services of government to our people, to maintain what is essential for our future, and to focus intensely upon the cost and benefit of everything that we do in state government.

Today I will talk about three things: first, how the judiciary is doing its part to address the state's financial short-fall; second, the need to rethink our strategies to deal with nonviolent crime, including drug and alcohol abuse; and third, a brief thought about the Missouri Nonpartisan Court Plan.

The judiciary has come to this time of financial crisis already lean. We were not favored in the last few years when times were better. Nonetheless, when the extent of the state's budget crisis became evident last year, we voluntarily returned nearly \$3 million of our appropriated funds for fiscal 2009. We will return another \$3 million of appropriated funds for fiscal 2010. We expect that we will do the same for fiscal 2011. This was not -- and is not -- an easy thing for us to do. The effect of these cuts is magnified by similar budget cuts being made by the counties. For example, Jackson County circuit court alone has been cut \$3 million by the county.

We have attempted to make our cuts in areas that would not impact our immediate ability to serve the judicial needs of the people of Missouri. However, the cuts we made severely jeopardize our ability to provide those services in the future. Let me share two examples.

Our statewide computer system needed the next generation of software, a software generation ago. We also needed to add the long promised e-filing component. But we have cut nearly \$1.4 million from our technology budget.

Our programs to keep Missouri judges educated and up-to-date on the law are vitally important to the quality of our judiciary. Judges shouldn't be the lowest paid and the least educated lawyers in the courtroom. But we have cut \$443,000 from that budget. And so on.

My point is this. We recognize that as a branch of state government we must sacrifice to help balance the budget. We also recognize that we must keep the courts open to meet the needs of our people and to resolve the 800,000 lawsuits they file annually. In business terms, we will put the customers -- the people of Missouri -- first. But we have come to the point where any additional cuts will directly threaten our ability to handle Missouri's legal business now and the cuts that we have already made threaten our ability to handle Missouri's legal business in the future. These cuts need to be restored as soon as possible.

Before leaving this subject, I would like to thank Senator Lembke for offering SJR 28. The resolution would link the pay of Missouri judges to 75 percent of the pay for the corresponding federal position. Interestingly, it would raise the pay of our associate circuit court judges to the same level as our circuit court judges.

There is not a single factor that more adversely impacts our ability to attract and retain quality judges as the relatively low level of judicial pay. Today we have four former Supreme Court judges, in the prime of their careers, enjoying the greener pastures of private practice and two enjoying the higher pay of the federal courts.

Missouri currently ranks 39<sup>th</sup> in the nation in pay levels for our trial court judges, who are paid approximately \$120,000 per year. We have lower pay than all the states that surround us: Iowa (\$137,000); Illinois (\$174,000); Tennessee (\$148,000); Arkansas (\$136,000); Oklahoma (\$124,000); and Nebraska (\$128,000) ... excepting only Kansas, whose trial court pay approximately equals ours (\$120,000). (I don't know if it is worse to be below Arkansas or tied with Kansas?)

Nonetheless, I cannot support this resolution. In the current financial crisis, there is no money for judges' raises. I thank you for the idea, but the time is wrong.

Now I need turn our attention to the area of criminal law. Given the difficult financial situation of the state, we must look hard at the costs and effectiveness of our current statutory schemes, especially for nonviolent offenders.

The criminal justice system is very expensive. Law enforcement, prosecutors, public defenders, courthouses, and prisons all cost a lot of money. However, one of the core functions of government is to keep people safe in their homes and safe on the streets. But just because this is one of the most important places that we spend taxpayer money, it does not mean that all of that money is well spent.

For years we have waged a "war on drugs," enacted "three strikes and you're out" sentencing laws, and "thrown away the key" to be tough on crime. What we did not do was check to see how much it costs, or whether we were winning or losing. In fact, it has cost us billions of dollars and we have just as much crime now as we did when we started. We have created a bottleneck by arresting far more people than we can handle down through the rest of the system.

We may have been tough on crime, but we have not been smart on crime. I would like to talk about this problem from three different perspectives: public defenders, prosecutors, and nonviolent offenders. It does no good to commit resources to law enforcement and to arrest criminals if you don't know what you are going to do with them, or you cannot afford to do what you should with them, after they have been arrested.

The first problem is how we are going to try the people we arrest. We already have discussed the financial stress under which the court system is operating. But our public defenders and prosecutors are also stressed to the point of breaking.

Last year the public defenders came to you and told you that they were under-funded and overworked. You appropriated to them an additional \$2 million of which they received \$500,000. A number of lawsuits regarding their situation were heard and decided in our Court. Essentially we acknowledged the public defenders' crisis in funding, but we declared certain of their regulations limiting their workload to be beyond their statutory authority.

The United States Constitution requires that anyone charged with an offense that may result in jail time be provided an attorney if he or she cannot afford one. The United States Constitution also requires timely trials of criminal cases. If there aren't enough public defenders, the system cannot wait, and jail time cannot be threatened or imposed.

The solution to this problem is relatively simple: either increase the public defender's funding or tell the public defender who to defend and who not to defend within the limits of their funding. At present, you only allow the public defender to determine eligibility by indigency. That means only the poorest offenders will qualify, regardless of the severity of the crime. I would suggest that the most serious charges be targeted, and that the least serious charges be those for which jail time cannot be sought, if we cannot adequately fund the public defender's office. This is simple common sense. Spend our money where it counts. But your statutes don't read that way now.

The state's prosecutors are also underpaid and overworked. Even though they bring charges in the name of the State of Missouri, they are county officers and their pay levels and workloads are determined county by county.

In some ways prosecutors are the most powerful individuals in the criminal justice system. They decide whether charges are brought and what charges are brought. They decide what plea agreements are made. If we want these decisions to be made well, we need people making them who are not underpaid and overworked. If we want these decisions made consistently across the state, there needs to be state involvement.

The inconsistency that you have read about in statewide DWI prosecution, plea bargaining, and sentencing exists in all other areas of criminal law as well. Listen to the disparity. Prison sentences as a percentage of all criminal dispositions for fiscal 2009 ranged from 10.8 percent to 48.7 percent among our various circuits. That means that 1 out of every 10 people found guilty of a crime is sentenced to jail in our lowest sentencing circuit, while 5 out of every 10 are sentenced to jail in our highest sentencing circuit. The average length of these sentences ranges from 4.5 to 9 years among the various circuits. Such a great disparity from circuit to circuit cannot be what we want from a moral, financial, or any other perspective.

The Missouri Bar has appointed a committee to look into recommendations for public defenders and prosecutors. The committee is chaired by your former colleague Joe Moseley. Prior to serving as a state senator, he also served as a prosecuting attorney and as a public defender. I would expect the committee to come to you with a balanced and practical proposal. Whatever the recommendation, this problem needs careful consideration -- consideration that goes beyond merely the dollars that are appropriated.

Perhaps the biggest waste of resources in all of state government is the over-incarceration of nonviolent offenders and our mishandling of drug and alcohol offenders. It is costing us billions of dollars and it is not making a dent in crime.

Listen to these numbers. In 1994, shortly after I came to the Court, the number of nonviolent offenders in Missouri prisons was 7,461. Today it's 14,204. That's almost double. In 1994, the number of new commitments for nonviolent offenses was 4,857. Last year, it was 7,220 -- again, almost double. At a rate of \$16,432 per offender, we currently are spending \$233.4 million a year to incarcerate nonviolent offenders ... not counting the investment in the 10 prisons it takes to hold these individuals at \$100 million per prison. In 1994, appropriations to the Department of Corrections totaled \$216,753,472. Today, it's \$670,079,452. The amount has tripled. And the recidivism rate for these individuals, who are re-incarcerated within just two years, is 41.6 percent.

I could quote different statistics and relationships to you all morning long, but the simple fact is, we are spending unbelievable sums of money to incarcerate nonviolent offenders, and our prison population of new offenders is going up, not down -- with a recidivism rate that guarantees this cycle will continue to worsen at a faster and faster pace, eating tens of millions of dollars in the process. Missouri cannot afford to spend this much money without getting results.

The problem is not with the administrators of the prisons. I have worked closely with all of them, from Dora Schriro and Gary Kempker, to your former colleague, Larry Crawford, and now George Lombardi. These public servants were -- and are -- excellent at their work, as are their staffs. The problem is that we are following a broken strategy of cramming inmates into prisons and not providing the type of drug treatment and job training that is necessary to break their cycle of crime. Any normal business would have abandoned this failed practice years

ago, and it is costing us our shirts.

Let me be clear: violent offenders need to be separated from us so they cannot hurt innocent men, women, or children, regardless of the cost. I am not talking about them. I am talking about nonviolent offenders.

Nonviolent offenders need to learn their lesson. Most often they need to be treated for drug and alcohol addiction and given job training. Putting them in a very expensive concrete box with very expensive guards, surrounding them with hardened criminals for long periods of time, and separating them from their families who need them and could otherwise help them does not work. Proof is in the numbers: 41 percent are back within two years.

Although this is a horrible Missouri problem, it is not just a Missouri problem. Republicans and Democrats across the country are waking up.

State Senator Stewart Greenleaf, a Republican from Pennsylvania, said:

What we have done with the laws we passed over the last 20 years is thrown our net out there too widely and picked up too many little fish. We filled our prisons with nonviolent, first time offenders, and with no noticeable increase in public safety.

United States Senator Jim Webb, a Democrat from Virginia, said:

Focus must be placed on locking up the most dangerous people instead of diverting time and money to incarcerate the wrong people.

Newt Gingrich said:

We have to fundamentally rethink prisons.

There is a better way. We need to move from anger-based sentencing that ignores cost and effectiveness to evidence-based sentencing that focuses on results -- sentencing that assesses each offender's risk and then fits that offender with the cheapest and most effective rehabilitation that he or she needs. We know how to do this. States across the nation are moving in this direction because they cannot afford such a great waste of resources. Missouri must move in this direction, too.

Of course, we must be careful and deliberate. This effort will require statewide coordination and revision of a number of our statutes. It will require diverting some offenders from prison and removing others from prison more quickly -- after they have learned their lesson, but before they are ruined by worse offenders and before they lose their ability to return to their communities, their families, and hopefully, jobs.

One thing we should do immediately is increase our investment in drug courts and expand that effort to DWI courts. Illegal drug use drives crime. Depending upon the study, 60 to 80 percent of crime involves drug use. We also know that simple incarceration, no matter how expensive, does not cure addiction. Treatment combined with strict judicial oversight does.

We know drug courts work. We have more than 8,500 graduates. And we know the tremendous savings that result from drug courts in Missouri. Many of you have visited our drug courts. Just two weeks ago, Speaker Richard brought two drug court graduates, Richard Rainey and Andrea Berin, to speak to you so you could see their success. Thank you for doing that, Mr. Speaker.

At one fourth to one fifth the cost of incarceration, more than one half of drug court participants graduate, and recidivism is only in the 10 percent range. The last five meta studies on drug courts, from all across the United States, have shown that drug courts reduce crime from 8 to 26 percent.

Five years ago I made a mistake. Senator Lager, then chairman of the House Budget Committee, offered \$10 million to take drug courts to full capacity. I was afraid that we could not handle that much money so quickly and asked instead for \$2 million a year for the next five years. We got the first million that year, but not the rest. So, for the last four years, our drug court program has been operating at half capacity and you have been wasting tens of millions of dollars a year in unnecessary and counterproductive incarceration costs. There is no excuse.

We need to expand our drug courts now -- two million dollars more a year -- until we reach capacity. We will save you many times more than that, and you will save lives and families. You saw it right here.

I thank all of you who have supported drug courts over the years, but we are a long way from where we need to be.

I know you will also be looking at ways to improve our DWI laws this session. When you do, I suggest that you focus on your goals. Do you just want to punish offenders, or do you want to make our streets and highways safer places to drive? Long jail sentences and 10 year license revocations certainly punish people. We have those already, and look at the number of repeat offenders -- more than 4,500 a year. The proof



of the misfocus of our anger is in the numbers.

What we need, again, are evidence-based strategies tailored to produce results. A person with a blood alcohol content over .20, arrested for the second time in one year, is different than a person with a blood alcohol content of .081 arrested for the second time in 10 years. One size doesn't fit all. Consistency between jurisdictions is a good goal; consistency among all offenders, despite their individual risks and needs, is not. Some need jail. For others, significantly increased monetary fines will work. Many need treatment for alcoholism.

We have had tremendous success with DWI courts. They operate on the same model as our drug courts. Commissioner Peggy Davis in Springfield runs a nationally recognized DWI court and trains judges across the country. We should have her training judges across this state. Our goal should not be to spend \$16,000 a year to keep these offenders in jail as long as we can. Our goal should be to spend \$3,000 a year to treat their alcoholism, and to return them to our state as productive tax-paying members of society who drive with licenses, with insurance, and who are sober.

Don't kid yourselves. The 10 year, no exception, license revocation that we have now might sound good, but it doesn't work. You cannot live and work in Missouri, especially suburban and rural Missouri, without a driver's license. All the 10-year revocation guarantees is that the offender is driving without a license, without insurance, and probably drunk. What we need is a sober driver who has a restored license and insurance. Expansion of DWI courts statewide, and the return of licenses to sober DWI court graduates, will do more for the safety of our roads and highways than any other change in the law you can make.

I will not comment on the proposed initiative petitions to replace the Missouri Nonpartisan Plan of selecting judges. There is pending litigation regarding these initiatives. That litigation is entitled to full and fair consideration on the merits of the issues raised by all parties. But you, again, have legislative proposals before you, so I will address this issue in a more general way.

There is a difference in our respective jobs that you should consider. You all run for office in general partisan elections. To do so you need to raise money, perhaps to hire special consultants, and to make promises to the voters about what policies you will support or oppose if elected. Once elected, you are expected to hold true to those promises. To some extent this is and has always been tolerated because the policies you campaign on are general in nature. The laws you pass apply to all. You seek to serve the will of the majority. No individual is singled out.

Our job is not that way. Though an equal branch of government, we have a more limited role. We resolve individual disputes. We have no power until litigants come to us with a real controversy, in which they have a real interest. When they do, we are not free to choose any resolution. We are first bound to honor our national and state constitutions. In fact, we are sworn to uphold the Bill of Rights that guarantees the rights of the individual, even against the will of the majority that you serve. We then follow the laws that you enact.

When the people of Missouri walk into our courtrooms, they expect and deserve to have their individual case heard on its facts and on the law, without fear that a rich man or a powerful interest has already bought the promise of the judge to rule the other way. Justice is rendering to each litigant what he or she is entitled to, not using his or her case as a stepping stone for fundraising or as a stepping stone for the advancement of a particular ideological or political goal, or as payback to a contributor.

Remember the *Avery v. State Farm* case from Illinois in which an Illinois Supreme Court justice cast the deciding vote in a \$450 million case in favor of an insurance company ... after receiving more than \$1 million in campaign contributions from those connected to the company. Remember the *Caperton v. Massey* case from West Virginia in which a new West Virginia Supreme Court justice cast the deciding vote in a \$50 million case after the CEO of that company spent approximately \$3 million to defeat the new judge's opponent.

Justice is a sacred but fragile concept. It depends upon the eye of the beholder, the trust and confidence of our people. It cannot be for sale to the richest bidder, the most powerful special interest group, or to the cleverest consultant.

The Supreme Court has just voted to change the rules to release the names of all those interviewed for appointment under the Missouri Nonpartisan Plan. This step to transparency will allow the people of our state to judge the panels of three chosen for submission to the governor against all of those who are considered. It is a significant and good change.

Any change that moves the Missouri plan closer to politics, special interests, or money is a change in the wrong direction.

I would like to end my speech with this thought. In my time on the Court, I have seen how hard your life is in the legislature. I understand the pressures you bear to keep your base, the pressures from special interest groups, the pressures to raise thousands of dollars to fund your campaigns, or to move up in leadership.

I know what I have spoken about today is too complicated for 10-second sound bites, and I don't have hundreds of thousands of dollars to donate to your campaign committees. But let me tell you this. From time to time I run into old senators and representatives. They like to visit

about what they did in office. They never talk about the money they raised or when they buckled to political pressures. What they talk about are the good things that they did; the things they were proud of.

There will be a day when your time of service comes to an end, too. When it does and you go home, you all will want to be proud of what you have done.

Savings millions of dollars, saving lives, saving families, and making Missouri a safer and better place, is something you can be proud of.

On motion of Senator Engler, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Dempsey.

### **SENATE BILLS FOR PERFECTION**

Senator Mayer moved that **SB 604**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 604** was again taken up.

Senator Mayer moved that **SCS** for **SB 604** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 604** was declared perfected and ordered printed.

Senator Rupp moved that **SB 618**, with **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

At the request of Senator Bray, **SA 2** was withdrawn.

Senator Rupp offered **SS** for **SB 618**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 618**

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for diagnosis and treatment of autism spectrum disorders.

Senator Rupp moved that **SS** for **SB 618** be adopted.

Senator Crowell offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 618, Page 5, Section 376.1224, Line 10 of said page, by striking the following: “seventy-two” and inserting in lieu thereof the following: “**sixty**”.

Senator Crowell moved that the above amendment be adopted.

Senator Schmitt offered **SSA 1** for **SA 1**, which was read:

#### **SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 618, Page 5, Section 376.1224, Line 10 of said page, by striking “seventy-two” and inserting in lieu thereof the following: “**sixty-five**”; and

Further amend said page and section, Line 14 of said page by inserting immediately after said line the following:

**“6. Beginning January 1, 2012, and annually thereafter, the maximum benefit limitation for applied behavior analysis described in subsection 5 of this section shall be adjusted to reflect any change from the previous year in the medical component of the then current Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics of the United States Department of Labor. The current value of the maximum benefit limitation for applied behavior analysis coverage shall be calculated by the director of the department of insurance, financial institutions and professional registration, who shall furnish the calculated value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.”; and**

Further amend said section by renumbering the remaining subsections accordingly.

Senator Schmitt moved that the above substitute amendment be adopted.

Senator Rupp offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 618, Page 1, Section 376.1224, Line 3 of said amendment, by striking the following: “sixty-five” and inserting in lieu thereof the following: **“fifty-five”**.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

**SSA 1** for **SA 1**, as amended, was again taken up.

Senator Schmitt moved that the above substitute amendment be adopted, which motion prevailed.

Senator Scott offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 618, Page 2, Section 376.1224, Line 27 of said page, by striking the following: “or nutritional supplements”; and

Further amend said bill and section, Page 3, Line 16 of said page, by striking the following: “without limitation,”.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 618, Page 1, In the Title, Lines 3-4, by striking “insurance coverage for diagnosis and treatment of autism spectrum disorders” and inserting in lieu thereof the following: “health insurance”; and

Further amend said bill and page, section A, line 3 of said page, by inserting immediately after said line the following:

**“376.685. 1. This section shall be known and may be cited as the “Foreign Health Insurance Purchase Act”.**

**2. The following words and phrases when used in this section shall have the meanings given to them in this section unless the context clearly indicates otherwise:**

**(1) “Department”, the department of insurance, financial institutions and professional registration;**

**(2) “Director”, the director of the department of insurance, financial institutions and professional registration;**

**(3) “Foreign insurer”, any health carrier, as that term is defined in section 376.1350, licensed by the state of Illinois, Arkansas, Kansas, Nebraska, Kentucky, Oklahoma, Tennessee, or Iowa to sell health insurance in that state and if not prohibited under the laws of that state from selling health insurance to the residents of this state;**

**(4) “Health insurance”, an individual or group health insurance policy, subscriber contract, certificate or health benefit plan that provides medical or health care coverage by a health care facility or licensed health care provider.**

**3. Notwithstanding any other provision of law to the contrary, a resident of this state shall have the right to purchase health insurance from a foreign insurer, regardless of whether the foreign insurer is licensed or in compliance with the laws of this state.**

**4. Notwithstanding any other provision of law to the contrary, a foreign insurer domiciled in the state of Illinois, Arkansas, Kansas, Nebraska, Kentucky, Oklahoma, Tennessee, or Iowa is exempt from holding a license or certificate of authority, if it meets the following criteria:**

**(1) It offers, sells, or renews a health benefit plan in this state that complies with all of the requirements of the domiciliary state applicable to the plan;**

**(2) It is authorized to issue the plan in the state where it is domiciled and to transact business there; and**

**(3) It maintains a process to resolve disputes between it and a resident of this state pertaining to the health insurance policy or health benefit plan.**

**5. Notwithstanding any other provision of law, a health benefit plan or health insurance policy offered, sold, or renewed by in this state by a foreign insurer that satisfies the criteria of subsection 4 of this section is exempt from all other provisions of chapter 375, chapter 376, or any other provision of law that would frustrate the purpose of this section.**

**6. If a Missouri resident purchases or enrolls in a health insurance policy or health benefit plan that is lawfully sold, offered, or issued in the state of Illinois, Arkansas, Kansas, Nebraska, Kentucky, Oklahoma, Tennessee, or Iowa, the policy or plan shall not be subject to the requirements of this chapter or its accompanying regulations, and the foreign insurer, if not otherwise subject to the insurance laws and regulations of this state, shall not be subject to regulation under this chapter with regard to such policy or plan; except that, the health carrier shall be subject to regulation by the director with regard to enforcement of the contractual benefits under the policy or health benefit plan.**

**7. The department shall publish a notice on its Internet website that explains the right of a resident of this state under this section to purchase health insurance from a foreign insurer. The department may include in the notice information that a resident might find helpful in making a decision to**

**purchase health insurance from a foreign insurer.”; and**

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 618, Page 7, Section 376.1224, Lines 26-28, by striking all of said lines and further amend said bill and section, Page 8, Lines 1-7 of said page and inserting in lieu thereof the following:

**“16. The provisions of this section shall not apply to a health benefit plan issued to a small employer under sections 379.930 to 379.952 except that health carriers shall offer such small employer the coverage prescribed in this section as an optional benefit to that plan.”.**

Senator Purgason moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bartle, Lembke and Ridgeway.

**SA 4** failed of adoption by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Clemens	Cunningham	Lembke	Mayer	Purgason	Ridgeway
Scott	Wright-Jones—10						

#### NAYS—Senators

Bray	Callahan	Champion	Crowell	Days	Dempsey	Engler	Goodman
Green	Griesheimer	Justus	Keaveny	Lager	McKenna	Nodler	Pearce
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson—24

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Ridgeway offered **SA 5**, which was read:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 618, Page 8, Section 376.1224, Lines 4-7, by striking all of said lines and inserting in lieu thereof the following: **“the cost of the small employer health insurance policy has increased by an amount of two and a half percent or more over the period of a calendar year, in premium costs to the small employer.”.**

Senator Ridgeway moved that the above amendment be adopted, which motion failed.

Senator Rupp moved that **SS** for **SB 618**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SB 618**, as amended, was declared perfected and ordered printed.

#### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 3, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made and submitted to you for your advice and consent:

Julie Ballard, 1927 Green Meadow Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Deborah S. Ellis, 16406 Bayshore Cove Court, Wildwood, Saint Louis County, Missouri 63040, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Jean Leonatti, 3406 Wakefield Drive, Columbia, Boone County, Missouri 65203, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Sarah Jones, Democrat, 2211 Brandy Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Amusement Ride Safety Board for a term ending April 17, 2011, and until her successor is duly appointed and qualified; vice, Amy Sweeny Davis, term expired.

James Harig, Republican, 106 Old Logging Road, Labadie, Franklin County, Missouri 63055, as a member of the Amusement Ride Safety Board for a term ending April 17, 2014, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Berta M. Sailer, 8305 Harvard Avenue, Raytown, Jackson County, Missouri 64138, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011 and until her successor is duly appointed and qualified; vice, Robin E. Threlkeld, withdrawn.

Mary L. Buren, 5520 Central, Kansas City, Jackson County, Missouri 64113, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Michelle Y. Cebulko, term expired.

Donna M. Bushur, 7444 Lydia Avenue, Kansas City, Jackson County, Missouri 64131, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Wayne Graves, term expired.

Rebeka R. McIntosh, 4015 South Forest Avenue, Independence, Jackson County, Missouri 64052, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2012, and until her successor is duly appointed and qualified; vice, Maria I. Gomez, term expired.

Mark A. Folsom, 4205 Northwest Claymont Drive, Kansas City, Clay County, Missouri 64116, as a member of the Child Abuse and Neglect Review Board, for a term ending June 01, 2012 and until his successor is duly appointed and qualified; vice, RSMo. 210.153.

Jacquelyn Metheny, 701 East 63<sup>rd</sup> Terrace, Kansas City, Jackson County, Missouri 64110, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2012 and until her successor is duly appointed and qualified; vice, Barbara Smith, term expired.

Teresa M. Wallace, 6653 Devonshire Apartment #2 West, Saint Louis City, Missouri 63109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Suzanne Taggart, withdrawn.

David Kierst, Jr., 7144 McGee, Kansas City, Jackson County, Missouri 64114, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011, and until his successor is duly appointed and qualified; vice, Vincent Hillyer, term expired.

Holly Monroe, 116 Lindell Drive, Columbia, Boone County, Missouri 65203, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Kristin Thomas-Sohl, term expired.

Suzan Ponder-Bates, 3096 Brook Stone Road, Festus, Jefferson County, Missouri 63028, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Jeffrey Cox, term

expired.

Regina Staves, 12200 Cherry Street, Kansas City, Jackson County, Missouri 64145, as a member of the Children's Trust Fund Board, for a term ending July 23, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Ruby Harriman, 5221 Washington Place, Saint Louis City, Missouri 63108, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor; vice, Monica Haaf.

L. Carol Scott, 462 Whittier Street, Apartment 203, Saint Louis City, Missouri 63108, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor; vice, Karen Bartz.

Richard Bee, II, 6566 Millstone Road, Houston, Texas County, Missouri 65483, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2010, and until his successor is duly appointed and qualified; vice, Danny Joe Patterson, term expired.

Jean-Paul Bovee, 9011 Washington Street, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010 and until his successor is duly appointed and qualified; vice, Christopher A. Norton, withdrawn.

Michele G. Kilo, 3413 Northwest 62<sup>nd</sup> Terrace, Kansas City, Platte County, Missouri 64151, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2010 and until her successor is duly appointed and qualified; vice, Michele Kilo, withdrawn.

Paula F. Baker, 502 Morgan Court, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2012, and until her successor is duly appointed and qualified; vice, Paula F. Baker, withdrawn.

Letitia Thomas, 1023 Westwinds Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2009 and until her successor is duly appointed and qualified; vice, James Jackson, term expired.

Letitia Thomas, 1023 Westwinds Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2012 and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Richard Ewing, 713 Homestead Drive, Moberly, Randolph County, Missouri 65270, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2011, and until his successor is duly appointed and qualified; vice, Steve Wilhelm, term expired.

Audrey Yarbrough, 3090 Key Harbour, Lake Saint Louis, Saint Charles County, Missouri 63367, as a member of the Missouri Family Trust Board of Trustees, for a term ending December 7, 2010 and until her successor is duly appointed and qualified; vice, Harold Cleberg, term expired.

Stuart Zimmerman, Democrat, 736 Audubon Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Missouri Investment Trust Board of Trustees, for a term ending February 24, 2012 and until his successor is duly appointed and qualified; vice, Kathy Conley Jones, term expired.

Larry D. Spence, Republican, 3200 County Road 5430, Willow Springs, Howell County, Missouri 65793, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees, for a term ending July 15, 2012, and until his successor is duly appointed and qualified; vice, Charles Kemper, term expired.

Donald Yarber, Democrat, 76 Scotsdale Court, Cottleville, Saint Charles County, Missouri 63376, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2013, and until his successor is duly appointed and qualified; vice, LaVaunt Maupin, term expired.

Kathleen Alexander, 899 Rohrer Road, Bourbon, Crawford County, Missouri 65441, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2011, and until her successor is duly appointed and qualified; vice, RSMo. 208.856.

Roxanne McDaniel, 1613 Limerick Lane, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2013, and until her successor is duly appointed and qualified; vice, Autumn Hooper, term expired.

Ann K. Shelton, 1203 Summer Lynne Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2013, and until her successor is duly appointed and qualified; vice, K'Alice Breinig, resigned.

Kenneth Meyer, 3639 East Kensington, Springfield, Greene County, Missouri 65802, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2012 and until his successor is duly appointed and qualified; vice, Cory Bomgaars, term expired.

Cara Canon, 28663 Highway M, Sedalia, Pettis County, Missouri 65301, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice, Billy Meyer, resigned.

Joshua Tennison, 213 Frieda Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, Sarah Tate, resigned.

Creed Jones, 3030 Kelley Drive, Joplin, Jasper County, Missouri 64804, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, Gregory F. Sharpe, withdrawn.

LeRoy Stromberg, 3250 Hawthorne Boulevard, Saint Louis, Saint Louis County, Missouri 63104, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2011, and until his successor is duly appointed and qualified; vice, J. Howard Fisk, withdrawn.

Byron Hill, 3712 Woodrail on the Green, Columbia, Boone County, Missouri 65203, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2012, and until his successor is duly appointed and qualified; vice, Kurt D. Witzel, withdrawn.

Reginal Hoskins, 3586 South Western Avenue, Springfield, Greene County, Missouri 65807, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, Richard A. Heithaus, withdrawn.

Laura Evans, 10716 Lancaster Road, Liberty, Clay County, Missouri 64068, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2013, and until her successor is duly appointed and qualified; vice, Nancy Montgomery, term expired.

Keith Gary, 17619 South Merriott Road, Pleasant Hill, Cass County, Missouri 64080, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2013, and until his successor is duly appointed and qualified; vice, James Upchurch, withdrawn.

Wayne Feuerborn, 440 East 65<sup>th</sup> Street, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2010, and until his successor is duly appointed and qualified; vice, Richard L. Dawe, resigned.

Joel P. Evans, 505 Park Avenue, Sikeston, Scott County, Missouri 63801, as a member of the Seismic Safety Commission, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, Charles Juden, term expired.

Michael Gerdine, Democrat, 3865 Flora Place, Saint Louis City, Missouri 63110, as a member of the State Board of Health, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, Donna Mannello, term expired.

Benjamin Lampert, Republican, 4367 East Bogey Court, Springfield, Greene County, Missouri 65809, as a member of the State Board of Registration for the Healing Arts, for a term ending September 03, 2012, and until his successor is duly appointed and qualified; vice, Keith LaFerriere, term expired.

Laura A. Confer, 1522 Creekstone Court, Fenton, Saint Louis County, Missouri 63026, as a student representative of the University of Missouri Board of Curators, for a term ending January 01, 2010 and until her successor is duly appointed and qualified; vice, Anton H. Luetkemeyer, term expired.

Timothy White, 5047 Rosa Avenue, Saint Louis City, Missouri 63109, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice Herbert Martin, term expired.

Daniel Osborn, Republican, 2307 South Forrest Heights Avenue, Springfield, Greene County, Missouri 65809, as a member of the



State Board of Registration for the Healing Arts, for a term ending September 3, 2012, and until his successor is duly appointed and qualified; vice, Daniel Scodary, term expired.

Steven Martin, Republican, 104 Dogwood Circle, Portageville, New Madrid County, Missouri 63873, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2014, and until his successor is duly appointed and qualified; vice, Jeff Case, term expired.

Gregory Helbig, Republican, 2064 North Farm Road 97, Springfield, Greene County, Missouri 65802, as a member of the State Milk Board, for a term ending September 28, 2013, and until his successor is duly appointed and qualified; vice, Gale Hackman, resigned.

Thomas Owen, Republican, 851 Green Road, Marshfield, Webster County, Missouri 65706, as a member of the State Milk Board, for a term ending September 28, 2013, and until his successor is duly appointed and qualified; vice, RSMo. 196.941.

John Harper, 2813 Burrwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, John Harper, withdrawn.

Billy Lee Ransdall, Democrat, 503 Wildwood Lane, Waynesville, Pulaski County, Missouri 65583, as a member of the State Tax Commission, for a term ending January 23, 2012, and until his successor is duly appointed and qualified; vice, Charles Nordwald, resigned.

Maureen Dempsey, 7605 Shadybridge Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Pamela Ross, 18 Aberdeen Place, Saint Louis City, Missouri 63105, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, James Bracht.

Ashley M. Hoyer, 1270 East Guinevere Court #212, Springfield, Greene County, Missouri 65804, as a member of the Missouri State University Board of Governors, for a term ending December 31, 2009 and until her successor is duly appointed and qualified; vice, Ryan S. Childress, resigned.

John Michael Flowers, 597 Sycamore, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending September 30, 2012 and until his successor is duly appointed and qualified; vice, Michael Gray, term expired.

Dale S. Dowell, 17 Tripoli, Mexico, Audrain County, Missouri 65265, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 20, 2012 and until his successor is duly appointed and qualified; vice, Terry Mackey, term expired.

William F. Horn, Jr., 36500 East Steinhauer, Sibley, Jackson County, Missouri 64088, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 20, 2012 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

John C. Morris, 8032 Orlando Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 191.115.

M. Joan D'Ambrose, 10051 Sakura Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Philip G. Smith, 215 North Third Street, Louisiana, Pike County, Missouri 63353, as a member of the Administrative Hearing Commission, for a term ending June 22, 2015 and until his successor is duly appointed and qualified; vice, Douglas Ommen, resigned.

Lois Zerrer, 1312 South Virginia, Springfield, Greene County, Missouri 65807, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Matthew D. Whittle, 1455 Anderson Hollow Road, Linn Creek, Camden County, Missouri 65052, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2011, and until his successor is duly appointed and qualified; vice, David Topash, term expired.

Charles M. Heiss, 853 Northwest 675, Centerview, Johnson County, Missouri 64019, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2012, and until his successor is duly appointed and qualified; vice, Robert

Davis, term expired.

Don W. Cook, 677 Dougherty Terrace Drive, Manchester, Saint Louis County, Missouri 63021, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2013, and until his successor is duly appointed and qualified; vice, Clara Urhahn, term expired.

John J. Temporiti, Democrat, 5413 Kenrick Parke Drive, Saint Louis, Saint Louis County, Missouri 63119, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, Loren Cook, term expired.

Lisa G. Baron, 7929 Stanford Avenue, University City, Saint Louis County, Missouri 63130, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 191.115.

Timothy G. Dolan, 387 Larimore Valley Drive, Wildwood, Saint Louis County, Missouri 63005, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 191.115.

Gwendolyn Y. Richards, 5823 East 98<sup>th</sup> Court, Kansas City, Jackson County, Missouri 64134, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Clara Carroll Rodriguez, 1921 Grayson Ridge Court, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Edna M. Talboy, Democrat, 5323 Northwest Bluffs Way, Parkville, Platte County, Missouri 64152, as a member of the Missouri Health Facilities Review Committee, for a term ending January 01, 2011, and until her successor is duly appointed and qualified; vice, Robert Foster, term expired.

Christopher E. Egbert, 2308 Deer Creek Court, Columbia, Boone County, Missouri 65201, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2012, and until his successor is duly appointed and qualified; vice, David Brown, term expired.

Lance Mayfield, 20 Meadowcrest, Viburnum, Iron County, Missouri 65566, as a member of the Missouri State Employees' Voluntary Life Insurance Commission for a term ending October 7, 2012, and until his successor is duly appointed and qualified; vice, Aaron Vickar, term expired.

Tiffany L. Carter, 818 Lee Drive, Jefferson City, Cole County, Missouri 65101, as the student representative to the Lincoln University Board of Curators for a term ending December 31, 2009, and until her successor is duly appointed and qualified; vice, Daniel S. Britts, term expired.

Robyn C. Chambers, 564 Eagles Nest Court, Ballwin, Saint Louis County, Missouri 63011, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2012, and until her successor is duly appointed and qualified; vice, Teresa McElyea, withdrawn.

Devorah Goldenberg, 1337 Amherst Terrace Way, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Holocaust Education and Awareness Commission for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, RSMo 161.700.

Charles Broomfield, Democrat, 705 Northwest 44<sup>th</sup> Street, Kansas City, Clay County, Missouri 64116, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2013, and until his successor is duly appointed and qualified; vice, Judith Beer, term expired.

Michael Brewer, 4700 Clark Lane, #104, Columbia, Boone County, Missouri 65202, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, Terri Woodward, withdrawn.

Stacey L. Dujakovich, 9624 North Charlotte, Kansas City, Clay County, Missouri 64155, as a member of the Children's Trust Fund Board, for a term ending October 15, 2009, and until her successor is duly appointed and qualified; vice, Daniel McVey, term expired.

Peggy Cochran, 29676 Rhodes Point Circle, Rocky Mount, Morgan County, Missouri 65072 as a member of the State Board of

Mediation, for a term ending April 01, 2012 and until her successor is duly appointed and qualified; vice, RSMo 295.030.

Gary Duncan, 1437 Crestwood Drive, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2011, and until his successor is duly appointed and qualified; vice, Carol L. Gossett, resigned.

Dennis Kempker, 5815 Roling Road, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, Keith A. Gary, withdrawn.

Gregory B. Canuteson, Democrat, 1410 Telford, Liberty, Clay County, Missouri 64068, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2013 and until his successor is duly appointed and qualified; vice, Ben Kessler, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields moved that the above appointments be returned to the Governor per his request, which motion prevailed.

### **REFERRALS**

President Pro Tem Shields referred **SCR 44** and **SCR 45** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, Sherry and Chuck Buchanan, Joplin.

Senator Engler introduced to the Senate, Mary Kay Bader, Megan McCarthy, Kyle Hardiman, Monika Feeney, Mark Li Pari and Cassandra Decker, Ste. Genevieve.

Senator Wright-Jones introduced to the Senate, Phylicia Johnson.

Senator Schmitt introduced to the Senate, Mark Bredenکوetter and members of Boy Scout Troop 680, Ballwin; and Max Bredenکوetter and Eric Mueller were made honorary pages.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Steve Smith, M.D. and his daughter, Emily, Chesterfield.

Senator Rupp introduced to the Senate, his parents, Chester and Eleanor Rupp, St. Charles.

Senator Schaefer introduced to the Senate, Dr. Tom Fuhrman, Sam Richardson and University Extension County Youth Program students: Sadie Appling, Lauren Bell, Sarah David, Chance Drewery, Suzanne Heddinghaus, Ally Jorgensen, Davis Keleher, Halea Schauer, Mark Loeber and Trent Snodgrass, Moberly High School; and Michael Couey, Kathryn Hall, Jessica Schachtele and Mark Skidmore, Higbee High School.

Senator Schaefer introduced to the Senate, Danielle Unterschultz, Clark.

Senator Griesheimer introduced to the Senate, Vicki Coopmans, Tiffany Newstaedter, Kristi Wagner, Wildwood; Marlayna Schoo, Pacific; and Chip Fournier and Daniel Nance, Washington.

On motion of Senator Engler, the Senate adjourned under the rules.

SENATE CALENDAR

---

SIXTEENTH DAY—THURSDAY, FEBRUARY 4, 2010

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 848-Barnitz	SB 869-Griesheimer
SB 849-Barnitz	SB 870-Schaefer
SB 850-Barnitz	SB 871-Schaefer
SB 851-Schmitt, et al	SB 872-Bray
SB 852-Lager, et al	SB 873-Wright-Jones
SB 853-Keaveny and Wright-Jones	SB 874-Pearce
SB 854-Keaveny and Wright-Jones	SB 875-Dempsey
SB 855-Schaefer	SB 876-Stouffer
SB 856-Schaefer	SB 877-Keaveny
SB 857-Schaefer	SB 878-Lembke
SB 858-Schaefer	SB 879-Schaefer
SB 859-Schaefer	SB 880-Schaefer
SB 860-Bray	SB 881-Green
SB 861-Dempsey	SB 882-Green
SB 862-Callahan	SB 883-Dempsey
SB 863-Callahan	SB 884-Schaefer
SB 864-Lembke	SB 885-Schaefer
SB 865-Wilson and Keaveny	SB 886-Schaefer
SB 866-Wright-Jones	SB 887-Schaefer
SB 867-Mayer	SJR 40-Goodman
SB 868-Shields	SJR 42-Lembke

HOUSE BILLS ON SECOND READING

HCS for HB 1544	HB 1442-Jones (89), et al
-----------------	---------------------------

SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 580-Griesheimer, with SCS

SBs 586 &amp; 617-Bartle, with SCS

## RESOLUTIONS

Reported from Committee

SCR 36-Schmitt and Rupp

SCR 37-Schmitt

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTEENTH DAY—THURSDAY, FEBRUARY 4, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Holiness has to do with very ordinary things.” (Ruth Burrows)

We thank You almighty God for Your great love of us allowing us, to have a taste of heaven in ordinary things and people we spend our lives. So we pray that You will be with us this day, to complete the work we must and then be free to safely travel home for a weekend with those we love. All this we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Schmitt—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Wright-Jones offered Senate Resolution No. 1551, regarding the death of Paula V. Smith, Saint Louis, which was adopted.

Senator Days offered Senate Resolution No. 1552, regarding employees of Express Scripts, which was adopted.

Senator Shields offered Senate Resolution No. 1553, regarding Joseph L. Gray, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1554, regarding Jacob R. Wilson, which was adopted.

Senator Shields offered Senate Resolution No. 1555, regarding James Arthur Clizer, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 1556, regarding Tyler David Cash, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1557, regarding Eric E. Kinn, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1558, regarding Charles Andrew Main, Platte County, which was adopted.

Senator Shields offered Senate Resolution No. 1559, regarding Nicholas Mitchell Matt, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1560, regarding Nicholas Jean Krum, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1561, regarding Julian A. Mack, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1562, regarding John Jameson Mauer, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1563, regarding Joel David Overfelt, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 1564, regarding Bennett Singleton Potter, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 1565, regarding Thomas William Carraway “Will” Van Doorn, Jr., Parkville, which was adopted.

Senator Green offered Senate Resolution No. 1566, regarding Andrew Thomas Wendel, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 1567, regarding Nicholas Joseph “Nick” Moser, Florissant, which was adopted.

Senator Justus offered Senate Resolution No. 1568, regarding the Good Samaritan Project, Kansas City, which was adopted.

Senator Pearce offered Senate Resolution No. 1569, regarding Reed Hough, Holden, which was

adopted.

Senator Lager offered Senate Resolution No. 1570, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Dills, Albany, which was adopted.

Senator Pearce offered Senate Resolution No. 1571, regarding Andrew Forsythe, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1572, regarding Seth Emerich Kreher, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1573, regarding Randy Lee Meggs, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1574, regarding James Kyle Whitney, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1575, regarding Sean Munley, Warrensburg, which was adopted.

Senator Mayer offered Senate Resolution No. 1576, regarding the Dexter Lions Club, which was adopted.

Senator Mayer offered Senate Resolution No. 1577, regarding Karen Pippins, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1578, regarding Duley Machine, LLC, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1579, regarding Ann Marie's A Unique Boutique, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1580, regarding Rainey-Mathis Funeral Home, Dexter, which was adopted.

Senator Rupp assumed the Chair.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 888**—By Crowell.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

**SB 889**—By Crowell.

An Act to repeal section 290.502, RSMo, and to enact in lieu thereof one new section relating to the minimum wage.

**SB 890**—By Crowell.

An Act to repeal sections 100.286 and 135.352, RSMo, and to enact in lieu thereof two new sections relating to a moratorium on the authorization of certain tax credits, with an emergency clause.



**SB 891**—By Crowell.

An Act to repeal sections 100.286, 135.352, 135.355, and 215.020, RSMo, and to enact in lieu thereof four new sections relating to certain tax credit programs.

**SB 892**—By Days and Shoemyer.

An Act to repeal sections 374.702, 374.705, 374.710, 374.715, 374.716, 374.720, 374.730, 374.740, 374.755, 374.757, 374.760, 374.763, 374.770, 374.775, 374.783, 374.784, 374.785, and 374.788, RSMo, and to enact in lieu thereof nineteen new sections relating to bail bond regulations, with penalty provisions and an effective date.

**SB 893**—By Days.

An Act to repeal sections 455.038 and 455.040, RSMo, and to enact in lieu thereof two new sections relating to orders of protection.

**SB 894**—By Dempsey and Crowell.

An Act to repeal section 103.089, RSMo, and to enact in lieu thereof one new section relating to health coverage benefits to Medicare eligible participants in the state employee health insurance program.

**SB 895**—By Dempsey, Shoemyer, Griesheimer, Schaefer, Ridgeway, Vogel, Champion, Justus, Days, Wilson, Callahan, Bray and Barnitz.

An Act to repeal sections 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, and 348.271, RSMo, and to enact in lieu thereof eleven new sections relating to science and innovation.

**SB 896**—By Shields and Crowell.

An Act to amend chapter 104, RSMo, by adding thereto five new sections relating to a defined contribution plan for certain state employees.

**SB 897**—By Lager.

An Act to repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to public service commissioners, with an emergency clause.

**SB 898**—By Pearce.

An Act to repeal section 94.900, RSMo, and to enact in lieu thereof one new section relating to a sales tax for public safety improvement.

**SB 899**—By Pearce.

An Act to repeal sections 160.545 and 173.1105, RSMo, and to enact in lieu thereof nine new sections relating to the Missouri promise program.

**SB 900**—By Rupp.

An Act to repeal sections 376.717, 376.718, 376.724, 376.725, 376.732, 376.733, 376.734, 376.735, 376.737, 376.738, 376.740, 376.743, and 376.758, RSMo, and to enact in lieu thereof thirteen new sections relating to the Missouri life and health insurance guaranty association act.

**SB 901**—By Lembke.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to state purchasing.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 753**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 670**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 669**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 668**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 628**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 581**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which were referred **SB 607**, **SB 602**, **SB 615** and **SB 725**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 738**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 596**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **SJR 22**, begs leave to report that it has considered the same and recommends that the Joint Resolution do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **SB 649**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **SB 804**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 618** and **SCS** for **SB 604**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Rupp assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

Senator Bartle moved that **SB 586** and **SB 617**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 586** and **617**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 586 and 617**

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions and a severability clause.

Was taken up.

Senator Bartle moved that **SCS** for **SBs 586** and **617** be adopted.

Senator Bartle offered **SS** for **SCS** for **SBs 586** and **617**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 586 and 617**

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented

businesses, with penalty provisions and a severability clause.

Senator Bartle moved that **SS** for **SCS** for **SBs 586** and **617** be adopted.

Senator Griesheimer assumed the Chair.

Senator Justus offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 586 and 617, Page 13, Section 573.540, Line 7 of said page, by inserting immediately after said line the following:

**“3. Sections 573.525 to 573.537 shall not apply to any home rule city with more than four hundred thousand inhabitants and located in more than one county.”.**

Senator Justus moved that the above amendment be adopted, which motion failed.

Senator Bartle moved that **SS** for **SCS** for **SBs 586** and **617** be adopted, which motion prevailed.

On motion of Senator Bartle, **SS** for **SCS** for **SBs 586** and **617** was declared perfected and ordered printed.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 4, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made and submitted to you for your advice and consent: Suzan Ponder-Bates, Democrat, 3096 Brook Stone Road, Festus, Jefferson County, Missouri 63028, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2013 and until her successor is duly appointed and qualified; vice, Patrick Gleason, term expired.

Patrick Naeger, 1083 PCR 906, Perryville, Perry County, Missouri 63775, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2013, and until his successor is duly appointed and qualified; vice, David Siscel, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Senator Shields moved that the above appointments be returned to the Governor per his request, which motion prevailed.

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 4, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made and submitted to you for your advice and consent: David Zimmermann, Democrat, #5 River Cove, Crystal City, Jefferson County, Missouri 63019, as a member of the Air Conservation

Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, Mark A. Fohey, withdrawn.

Jack Baker, Democrat, Rural Route # 1 Box 259, Butler, Bates County, Missouri 64730, as a member of the Air Conservation Commission, for a term ending October 14, 2013, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Senator Shields moved that the above appointments be returned to the Governor per his request, which motion prevailed.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Angela M. Dalton, Mary Louise Bussabarger and Sarah Giboney, as members of the Missouri Family Trust Board of Trustees;

Also,

Daniel Krasnoff, Democrat, as a member of the Missouri Public Entity Risk Management Board of Trustees;

Also,

James M. Caccamo and Daniel McCool, as members of the Coordinating Board for Early Childhood;

Also,

Sarah Amanda Shelton, Democrat, as a member of the Missouri Community Service Commission;

Also,

Tracy Gonzales, Suzanne E. Taggart, Cindra E. Tull, Edna A. Smith, Florence T. Pullen, and Catheryn M. Smith, as members of the Child Abuse and Neglect Review Board;

Also,

Teresa Underwood, as a member of the Workers' Compensation Determination Review Board;

Also,

Robert J. Harris and Eric Battle, as members of the Children's Trust Fund Board;

Also,

Eric Sandvol, John Farris, Donald Shaw, Raymond Bailey, Miles J. Green and John Mallott, as members of the Seismic Safety Commission;

Also,

Jason Royle and Leslie Dahl, as members of the Corrections Officer Certification Commission;

Also,

Jeanette Prenger, as a member of the Missouri Workforce Investment Board;

Also,

Rory Ellinger and James Tellatin, Democrats, as members of the Missouri Health Facilities Review Committee;

Also,

Sherry L. Buchanan, Democrat, as a member of the Missouri Southern State University Board of Governors;

Also,

Thomas Bradley, Democrat, as a member of the State Soil and Water Districts Commission;

Also,

Alfred Brandt, Republican, as a member of the State Milk Board;

Also,

Curtis Skouby, as a member of the Safe Drinking Water Commission;

Also,

Sharon Lightfoot, as a member of the State Committee of Psychologists;

Also,

Jean Howard, Democrat, as a member of the State Committee of Dietitians;

Also,

Shawn T. Ordway, Democrat, as a member of the Missouri Real Estate Appraisers Commission.

Also,

Gregory B. Allen and David E. Richards, as members of the State Historical Records Advisory Board.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

### **REFERRALS**

President Pro Tem Shields referred **SS** for **SB 618** to the Committee on Governmental Accountability and Fiscal Oversight.

### **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 848**—Agriculture, Food Production and Outdoor Resources.

**SB 849**—Jobs, Economic Development and Local Government.

**SB 850**—Jobs, Economic Development and Local Government.

- SB 851**—Jobs, Economic Development and Local Government.
- SB 852**—General Laws.
- SB 853**—Judiciary and Civil and Criminal Jurisprudence.
- SB 854**—Judiciary and Civil and Criminal Jurisprudence.
- SB 855**—Health, Mental Health, Seniors and Families.
- SB 856**—Judiciary and Civil and Criminal Jurisprudence.
- SB 857**—Judiciary and Civil and Criminal Jurisprudence.
- SB 858**—Judiciary and Civil and Criminal Jurisprudence.
- SB 859**—Judiciary and Civil and Criminal Jurisprudence.
- SB 860**—Ways and Means.
- SB 861**—Health, Mental Health, Seniors and Families.
- SB 862**—Jobs, Economic Development and Local Government.
- SB 863**—Jobs, Economic Development and Local Government.
- SB 864**—Transportation.
- SB 865**—Judiciary and Civil and Criminal Jurisprudence.
- SB 866**—Health, Mental Health, Seniors and Families.
- SB 867**—General Laws.
- SB 868**—Ways and Means.
- SB 869**—Transportation.
- SB 870**—Agriculture, Food Production and Outdoor Resources.
- SB 871**—Jobs, Economic Development and Local Government.
- SB 872**—Commerce, Consumer Protection, Energy and the Environment.
- SB 873**—Commerce, Consumer Protection, Energy and the Environment.
- SB 874**—Jobs, Economic Development and Local Government.
- SB 875**—Small Business, Insurance and Industry.
- SB 876**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 877**—General Laws.
- SB 878**—Health, Mental Health, Seniors and Families.
- SB 879**—Judiciary and Civil and Criminal Jurisprudence.
- SB 880**—Judiciary and Civil and Criminal Jurisprudence.
- SB 881**—Jobs, Economic Development and Local Government.
- SB 882**—Rules, Joint Rules, Resolutions and Ethics.

**SB 883**—Jobs, Economic Development and Local Government.

**SB 884**—Commerce, Consumer Protection, Energy and the Environment.

**SB 885**—Commerce, Consumer Protection, Energy and the Environment.

**SB 886**—Jobs, Economic Development and Local Government.

**SB 887**—Judiciary and Civil and Criminal Jurisprudence.

**SJR 40**—Small Business, Insurance and Industry.

**SJR 42**—General Laws.

### **RESOLUTIONS**

Senator McKenna offered Senate Resolution No. 1581, regarding Benjamin Andrew Cain, Arnold, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, Commissioners from Dade County.

Senator Engler introduced to the Senate, Dr. David Cramp and Brett Burgess, Farmington.

Senator Green introduced to the Senate, former State Representative Bill Marshall, Greenfield.

Senator Griesheimer introduced to the Senate, Warren County Commissioners Arden Engelage, Hubert Kluesner and Dan Hampson; and Franklin County Commissioners Ed Hillhouse, Terry Wilson and Ann Schroeder.

Senator Purgason introduced to the Senate, Howell County Commissioners Larry Spence, Bill Lovelace and Mark Collins.

Senator Pearce introduced to the Senate, Johnson County Eastern Commissioner Scott Sader and Johnson County Western Commissioner Destry Hough.

Senator Barnitz introduced to the Senate, John Scheppers.

Senator Lager introduced to the Senate, the Physician of the Day, Dr. James D. Humphrey, M.D., Mound City.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 8, 2010.

### **SENATE CALENDAR**

---

**SEVENTEENTH DAY—MONDAY, FEBRUARY 8, 2010**

---

### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 888-Crowell  
SB 889-Crowell  
SB 890-Crowell

SB 891-Crowell  
SB 892-Days and Shoemyer  
SB 893-Days



SB 894-Dempsey and Crowell  
 SB 895-Dempsey, et al  
 SB 896-Shields and Crowell  
 SB 897-Lager

SB 898-Pearce  
 SB 899-Pearce  
 SB 900-Rupp  
 SB 901-Lembke

#### HOUSE BILLS ON SECOND READING

HCS for HB 1544

HB 1442-Jones (89), et al

#### THIRD READING OF SENATE BILLS

SS for SB 618-Rupp  
 (In Fiscal Oversight)

SCS for SB 604-Mayer

#### SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS  
 SBs 607, 602, 615 & 725-Stouffer, with SCS  
 SB 738-Crowell, with SCS

SB 596-Callahan, with SCS  
 SJR 22-Callahan

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 580-Griesheimer, with SCS

#### CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 753-Dempsey  
 SB 670-Justus  
 SB 669-Justus  
 SB 668-Justus

SB 628-Dempsey  
 SB 581-Griesheimer  
 SB 649-Days and Wright-Jones  
 SB 804-Schmitt

#### RESOLUTIONS

Reported from Committee

SCR 36-Schmitt and Rupp

SCR 37-Schmitt

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SEVENTEENTH DAY—MONDAY, FEBRUARY 8, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Rejoice evermore.” (1 Thessalonians 5:6)

There is much for us to be thankful and rejoice in. We thank You for the hard work of highway crews that keep our streets and highways clear for our safe passage. We rejoice in the beauty of our world as we drive through the white countryside mindful of all the functional beauty You have created for our benefit. We rejoice in the work we have to do and begin this week energized and wanting to take on the task we have before us. Guide and direct our efforts O God and may they be fruitful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was lead by Sam Stowers, Troop 495, Heart of America Council.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 4, 2010 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Engler offered Senate Resolution No. 1582, regarding Richard A. Daniel, Bonne Terre, which was adopted.

Senator Shields offered Senate Resolution No. 1583, regarding Robert Michael Barber, Smithville, which was adopted.

Senator Shields offered Senate Resolution No. 1584, regarding Daniel Austin Goering, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1585, regarding Lawton Paul Huffman, Weston, which was adopted.

Senator Shields offered Senate Resolution No. 1586, regarding Branden Cole Elling, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1587, regarding Reed Patrick Heim, Weston, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1588, regarding Roberts Companies, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1589, regarding Phoenix Redevelopment Group, LLC, which was adopted.

Senator Barnitz offered Senate Resolution No. 1590, regarding the Eightieth Anniversary of the Rolla FFA Chapter, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1591, regarding Katherine “Kathie” Branstetter, Bowling Green, which was adopted.

Senator Shields offered Senate Resolution No. 1592, regarding Gerald L. Duty, Saint Joseph, which was adopted.

Senator Engler offered Senate Resolution No. 1593, regarding Les Amis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1594, regarding Abigail Rose Keeven, New Haven, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1595, regarding Miranda “Andi” Placht, New Haven, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1596, regarding Candace D. Mahon, Union, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Stouffer offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 46**

WHEREAS, the availability and affordability of energy is crucial to Missourians' lives and livelihoods, and Missouri's farms, businesses and industries depend on stable and reliable energy costs to keep their operations running; and

WHEREAS, any policy that would drive up the costs of energy would significantly harm Missouri's farms, businesses, industries, and residents, causing undue additional economic hardship particularly at a time when the state's economy is already strained; and

WHEREAS, the United States Congress is currently debating climate change legislation that would implement an expensive cap and trade emissions trading system by establishing a cap on greenhouse gas emissions, requiring those who emit greenhouse gases to purchase government credits to offset emissions, and allowing those emitters to trade or sell those credits; and

WHEREAS, the considerable costs associated with complying with this legislation would undoubtedly be passed on by companies to their customers, which would make the practical effect of this policy a massive transfer of wealth from energy customers in high greenhouse gas emitting areas; and

WHEREAS, with our reliance on coal as a source of fuel for much of our electricity generation, Missouri, along with other Midwestern states, would suffer abrupt and unprecedented increases in energy costs and its citizens, farms, and businesses would ultimately bear the staggering economic burden that would result from this legislation; and

WHEREAS, in addition to causing Missouri-based businesses to relocate to another state or country, or driving already struggling farms and businesses out-of-business, increases in energy costs have a disproportionately negative impact on the working poor and citizens on fixed incomes, since a greater portion of their constrained budgets would be spent on energy costs; and

WHEREAS, in setting national policies, Congress should strive to develop policies that do not cause sudden and severe negative impacts on the welfare and economies of certain states or regions. Congress should take steps to develop a prudent national energy policy that carefully transitions the country's energy sources over time, and that prevents any abrupt and massive energy price increases in any one state or region; and

WHEREAS, any proposed new environmental or energy legislation enacted by Congress should promote and encourage new technologies to more smoothly transition from higher greenhouse gas emitting sources to lower greenhouse gas emitting sources such as zero-emission advanced nuclear power, biomass energy, fuel cells, and clean coal with carbon capture and sequestration with a goal to bring such technologies to market as quickly as possible. The regulatory, liability, and legal barriers that prevent these technologies from being commercialized and deployed should be addressed before any cap is imposed on greenhouse gas emissions:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Congress of the United States to refuse to enact cap and trade legislation that would negatively impact Americans by increasing the costs of goods and services and instead enact legislation that encourages states to establish and develop their own renewable energy portfolio standards; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri congressional delegation.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 902**—By Nodler.

An Act to repeal sections 303.025 and 303.040, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle financial responsibility, with a penalty provision.

**SB 903**—By Bray.

An Act to repeal section 184.362, RSMo, and to enact in lieu thereof one new section relating to metropolitan zoological park and museum districts.

**SB 904**—By Bray.

An Act to repeal sections 191.765, 191.767, 191.769, 191.771, 191.773, 191.775, 191.776, and 191.777, RSMo, and to enact in lieu thereof eleven new sections relating to the Missouri indoor clean air act, with penalty provisions.

**SB 905**—By Bray, Shoemyer and Barnitz.

An Act to amend chapters 32 and 144, RSMo, by adding thereto two new sections relating to the

streamlined sales and use tax agreement.

**SB 906**—By Bray.

An Act to repeal sections 143.091, 143.121, 143.225, 143.261, 143.431, 143.451, 143.461, 143.471, 144.010, 144.030, and 144.190, RSMo, and to enact in lieu thereof nine new sections relating to taxation, with an effective date.

**SB 907**—By Rupp.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the early high school graduation scholarship program.

**SB 908**—By Green.

An Act to repeal sections 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, and 304.028, RSMo, and to enact in lieu thereof eighteen new sections relating to the brain injury advisory council.

**SB 909**—By Green.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to specialized license plates.

**SB 910**—By Lembke.

An Act to repeal section 452.340, RSMo, and to enact in lieu thereof one new section relating to child support.

**SB 911**—By Shields.

An Act to repeal section 620.1881, RSMo, and to enact in lieu thereof one new section relating to the quality jobs act.

**SB 912**—By Cunningham.

An Act to repeal sections 105.478, 105.967, and 115.646, RSMo, and to enact in lieu thereof three new sections relating to ethics, with penalty provisions.

**SB 913**—By Cunningham.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to municipal employee residency requirements.

**SB 914**—By Cunningham.

An Act to repeal sections 338.333, 338.335, and 338.337, RSMo, and to enact in lieu thereof three new sections relating to wholesale drug distribution.

**SB 915**—By Barnitz.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes for tourism.

**SB 916**—By Barnitz.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to transient guest taxes.

**SB 917**—By Schaefer.

An Act to amend chapter 191, RSMo, by adding thereto three new sections relating to health care quality data standardization and transparency, with penalty provisions.

**SB 918**—By Schaefer.

An Act to amend chapter 376, RSMo, by adding thereto four new sections relating to pharmacy benefit managers, with penalty provisions.

**SB 919**—By Ridgeway.

An Act to repeal section 182.647, RSMo, and to enact in lieu thereof one new section relating to library reports.

**SB 920**—By Keaveny.

An Act to amend chapter 456, RSMo, by adding thereto one new section relating to the transfer of tenancy by the entireties property to a trust.

**SB 921**—By Callahan and Keaveny.

An Act to repeal sections 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 454.966, 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 454.991, 454.993, 454.995, and 454.999, RSMo, and to enact in lieu thereof seventy-eight new sections relating to the uniform interstate family support act, with a contingent effective date.

**SB 922**—By Callahan.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to tax incentives for local job creation projects.

**SB 923**—By Mayer.

An Act to amend chapter 379, RSMo, by adding thereto eight new sections relating to the establishment of the Missouri catastrophe fund.

**SB 924**—By Griesheimer, Dempsey and Pearce.

An Act to repeal section 620.1881, RSMo, and to enact in lieu thereof one new section relating to the quality jobs act.

**SB 925**—By Dempsey.

An Act to amend chapter 376, RSMo, by adding thereto one new sections relating to the disclosure of reimbursement rates between health carriers and providers.

Senator Griesheimer assumed the Chair.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard Bee, II, 6566 Millstone Road, Houston, Texas County, Missouri 65483, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2010, and until his successor is duly appointed and qualified; vice, Richard Bee, II, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donna M. Bushur, 7444 Lydia Avenue, Kansas City, Jackson County, Missouri 64131, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Donna M. Bushur, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tiffany L. Carter, 818 Lee Drive, Jefferson City, Cole County, Missouri 65101, as a student representative of the Lincoln University Board of Curators for a term ending December 31, 2011, and until her successor is duly appointed and qualified; vice, Tiffany L. Carter, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robyn C. Chambers, 564 Eagles Nest Court, Ballwin, Saint Louis County, Missouri 63011, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2012, and until her successor is duly appointed and qualified; vice, Robyn C. Chambers, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Laura A. Confer, 1522 Creekstone Court, Fenton, Saint Louis County, Missouri 63026, as a student representative of the University of Missouri Board of Curators, for a term ending January 01, 2012 and until her successor is duly appointed and qualified; vice, Laura A. Confer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christopher E. Egbert, 2308 Deer Creek Court, Columbia, Boone County, Missouri 65201, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2012, and until his successor is duly appointed and qualified; vice, Christopher E. Egbert, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joel P. Evans, 505 Park Avenue, Sikeston, Scott County, Missouri 63801, as a member of the Seismic Safety Commission, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, Joel P. Evans, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor



Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John Michael Flowers, 597 Sycamore, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending September 30, 2012 and until his successor is duly appointed and qualified; vice, John Michael Flowers, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark A. Folsom, 4205 Northwest Claymont Drive, Kansas City, Clay County, Missouri 64116, as a member of the Child Abuse and Neglect Review Board, for a term ending June 01, 2012 and until his successor is duly appointed and qualified; vice, Mark A. Folsom, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Devorah Goldenberg, 1337 Amherst Terrace Way, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Holocaust Education and Awareness Commission for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Devorah Goldenberg, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR

JEFFERSON CITY

65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ruby Harriman, 5221 Washington Place, Saint Louis City, Missouri 63108, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor; vice, Ruby Harriman, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR

JEFFERSON CITY

65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charles M. Heiss, 853 Northwest 675, Centerview, Johnson County, Missouri 64019, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2012, and until his successor is duly appointed and qualified; vice, Charles M. Heiss, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR

JEFFERSON CITY

65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ashley M. Hoyer, 1270 East Guinevere Court #212, Springfield, Greene County, Missouri 65804, as the student representative of the Missouri State University Board of Governors, for a term ending December 31, 2011 and until her successor is duly appointed and qualified; vice, Ashley M. Hoyer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Benjamin Lampert, Republican, 4367 East Bogey Court, Springfield, Greene County, Missouri 65809, as a member of the State Board of Registration for the Healing Arts, for a term ending September 03, 2012, and until his successor is duly appointed and qualified; vice, Benjamin Lampert, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Steven Martin, Republican, 104 Dogwood Circle, Portageville, New Madrid County, Missouri 63873, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2014, and until his successor is duly appointed and qualified; vice, Steven Martin, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Roxanne McDaniel, 1613 Limerick Lane, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2013, and until her successor is duly appointed and qualified; vice, Roxanne McDaniel, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rebeka R. McIntosh, 4015 South Forest Avenue, Independence, Jackson County, Missouri 64052, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2012, and until her successor is duly appointed and qualified; vice, Rebeka R. McIntosh, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kenneth Meyer, 3639 East Kensington, Springfield, Greene County, Missouri 65802, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2012 and until his successor is duly appointed and qualified; vice, Kenneth Meyer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Holly Monroe, 116 Lindell Drive, Columbia, Boone County, Missouri 65203, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Holly Monroe, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daniel Osborn, Republican, 2307 South Forrest Heights Avenue, Springfield, Greene County, Missouri 65809, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2012, and until his successor is duly appointed and qualified; vice, Daniel Osborn, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Suzan Ponder-Bates, 3096 Brook Stone Road, Festus, Jefferson County, Missouri 63028, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Suzan Ponder-Bates, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Berta M. Sailer, 8305 Harvard Avenue, Raytown, Jackson County, Missouri 64138, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011 and until her successor is duly appointed and qualified; vice, Berta M. Sailer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

L. Carol Scott, 462 Whittier Street, Apartment 203, Saint Louis City, Missouri 63108, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor; vice, L. Carol Scott, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ann K. Shelton, 1203 Summer Lynne Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2013, and until her successor is duly appointed and qualified; vice, Ann K. Shelton, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Edna M. Talboy, Democrat, 5323 Northwest Bluffs Way, Parkville, Platte County, Missouri 64152, as a member of the Missouri Health Facilities Review Committee, for a term ending January 01, 2011, and until her successor is duly appointed and qualified; vice, Edna M. Talboy, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Letitia Thomas, 1023 Westwinds Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2012 and until her successor is duly appointed and qualified; vice, Letitia Thomas, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Teresa M. Wallace, 6653 Devonshire Apartment #2 West, Saint Louis City, Missouri 63109, as a member of the Child Abuse and Neglect

Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Teresa M. Wallace, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Matthew D. Whittle, 1455 Anderson Hollow Road, Linn Creek, Camden County, Missouri 65052, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2011, and until his successor is duly appointed and qualified; vice, Matthew D. Whittle, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donald Yarber, Democrat, 76 Scotsdale Court, Cottleville, Saint Charles County, Missouri 63376, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2013, and until his successor is duly appointed and qualified; vice, Donald Yarber, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Audrey Yarbrough, 3090 Key Harbour, Lake Saint Louis, Saint Charles County, Missouri 63367, as a member of the Missouri Family Trust Board of Trustees, for a term ending December 7, 2010 and until her successor is duly appointed and qualified; vice, Audrey Yarbrough, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 08, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Major Ronald K. Replogle, 2215 Moreau Terrace, Jefferson City, Cole County, Missouri 65101, as Superintendent of the Missouri State Highway Patrol, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

**SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 888**—Small Business, Insurance and Industry.

**SB 889**—Small Business, Insurance and Industry.

**SB 890**—Jobs, Economic Development and Local Government.

**SB 891**—Governmental Accountability and Fiscal Oversight.

**SB 892**—Judiciary and Civil and Criminal Jurisprudence.

**SB 893**—Judiciary and Civil and Criminal Jurisprudence.

**SB 894**—Small Business, Insurance and Industry.

**SB 895**—Jobs, Economic Development and Local Government.

**SB 896**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 897**—Commerce, Consumer Protection, Energy and the Environment.

**SB 898**—Jobs, Economic Development and Local Government.

**SB 899**—Education.

**SB 900**—Small Business, Insurance and Industry.

**SB 901**—Financial and Governmental Organizations and Elections.

**HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS for HB 1544**—Small Business, Insurance and Industry.

President Pro Tem Shields assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:



Mr. President: Your Committee on Ways and Means, to which was referred **SB 839**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer assumed the Chair.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 586** and **617**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### CONCURRENT RESOLUTIONS

Senator Schmitt moved that **SCR 37** be taken up for adoption, which motion prevailed.

Senator Callahan offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 37, as it appears on Page 109 of the Senate Journal for Wednesday, January 13, 2010, Line 29 of said journal, by inserting immediately after said line the following:

“BE IT FURTHER RESOLVED that, in order to ensure that the dollars of Missouri taxpayers are wisely spent, and in order to ensure that the Attorney General's resources are properly used on criminal prosecutions, enforcement of undocumented worker laws, protection of Missouri consumers, protection of Missouri's natural resources, and other vital duties, the General Assembly urges Attorney General Koster to refrain from such action until such time as HR 3590 actually becomes law; and”.

Senator Callahan moved that the above amendment be adopted.

Senator Schmitt offered **SSA 1** for **SA 1**, which was read:

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 37, as it appears on Page 109 of the Senate Journal for Wednesday, January 13, 2010, Line 28 of said journal, by inserting immediately after the word “thoroughly”, the following: “and immediately”; and further amend line 29 by inserting after all of said line the following:

“BE IT FURTHER RESOLVED that, in order to ensure that the dollars of Missouri taxpayers are wisely spent, and in order to ensure that the Attorney General's resources are properly used on criminal prosecutions, enforcement of undocumented worker laws, protection of Missouri consumers, protection of Missouri's natural resources, and other vital duties, the General Assembly urges Attorney General Koster to refrain from any litigation regarding the constitutionality and legality of HR 3590 until such time as HR 3590 actually becomes law; and”.

Senator Schmitt moved that the above substitute amendment be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCR 37**, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Wilson	Wright-Jones—28				

NAYS—Senator Justus—1

Absent—Senators

Bartle	Green	Purgason—3
--------	-------	------------

Absent with leave—Senators

Crowell	Vogel—2
---------	---------

Vacancies—None

Senator Schmitt moved that **SCR 36** be taken up for adoption, which motion prevailed.

On motion of Senator Schmitt, **SCR 36** was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Cunningham	Dempsey	Engler	Goodman
Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason
Ridgeway	Rupp	Schmitt	Scott	Shields	Shoemyer	Stouffer—23	

NAYS—Senators

Bray	Days	Justus	Keaveny	Wilson	Wright-Jones—6
------	------	--------	---------	--------	----------------

Absent—Senators

Bartle	Green	Schaefer—3
--------	-------	------------

Absent with leave—Senators

Crowell	Vogel—2
---------	---------

Vacancies—None

## INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Mike Miller and Scouts: Sam Stowers and Thomas King, Heart of America Council; Benjamin Scott, Harrison Scott, Jacob Scott, Jack Kearns, William Doggett, Kevin Neiheisel, Nicholas Stegmann, and Chris Cooper, Great Rivers Council; and Sam, Thomas, Benjamin, Harrison, Jacob, Jack, William, Kevin, Nicholas and Chris were made honorary pages.

Senator Schaefer introduced to the Senate, Katherine Kadlec, Columbia; and Katherine was made an honorary page.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

EIGHTEENTH DAY—TUESDAY, FEBRUARY 9, 2010

---

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 902-Nodler	SB 914-Cunningham
SB 903-Bray	SB 915-Barnitz
SB 904-Bray	SB 916-Barnitz
SB 905-Bray, et al	SB 917-Schaefer
SB 906-Bray	SB 918-Schaefer
SB 907-Rupp	SB 919-Ridgeway
SB 908-Green	SB 920-Keaveny
SB 909-Green	SB 921-Callahan and Keaveny
SB 910-Lembke	SB 922-Callahan
SB 911-Shields	SB 923-Mayer
SB 912-Cunningham	SB 924-Griesheimer, et al
SB 913-Cunningham	SB 925-Dempsey

## HOUSE BILLS ON SECOND READING

HB 1442-Jones (89), et al

## THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)	SCS for SB 604-Mayer SS for SCS for SBs 586 & 617-Bartle
---	---

## SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS	SB 596-Callahan, with SCS
SBs 607, 602, 615 & 725-Stouffer, with SCS	SJR 22-Callahan
SB 738-Crowell, with SCS	SB 839-Wright-Jones, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 580-Griesheimer, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 753-Dempsey

SB 670-Justus

SB 669-Justus

SB 668-Justus

SB 628-Dempsey

SB 581-Griesheimer

SB 649-Days and Wright-Jones

SB 804-Schmitt

RESOLUTIONS

To be Referred

SCR 46-Stouffer

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**EIGHTEENTH DAY—TUESDAY, FEBRUARY 9, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Keep God’s word in this way. Let it enter into your very being, let it take possession of your desires and your whole way of life.” (*St. Bernard of Clarivaux*)

We know, O Lord, that You desire for us to be at one with You and all that we do and say are in keeping with what You have taught us. We do pray that You will enter us and take possession of all we are so that we think and seek to do that which is well pleasing to You. We are mindful of the difficulties that many face in our state and country; let us do all we can here to relieve some of the stress and do what we can to promote job development and recovery. All this we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Lager offered Senate Resolution No. 1597, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leo Barnes, Albany, which was adopted.

Senator Lager offered Senate Resolution No. 1598, regarding the Honorable Warren L. McElwain, which was adopted.

Senator Lager offered Senate Resolution No. 1599, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Chrisman, Marceline, which was adopted.

Senator Lager offered Senate Resolution No. 1600, regarding the Northwest Missouri State University Bearcats football team, which was adopted.

Senator Lembke offered Senate Resolution No. 1601, regarding Donna Abernathy-Schumann, High Ridge, which was adopted.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 926**—By Shoemyer and Keaveny.

An Act to amend chapter 261, RSMo, by adding thereto six new sections relating to the local foods initiative, with penalty provisions.

**SB 927**—By Cunningham.

An Act to amend chapter 320, RSMo, by adding thereto nine new sections relating to fire sprinkler contractor regulation.

**SB 928**—By Lager.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to the sales tax treatment of sales for resale, with an emergency clause.

**SB 929**—By Lager.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to counties contracting for wholesale water services.

**SB 930**—By Justus.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty commission.

**SB 931**—By Justus.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for dental care services provided to pregnant women.

## SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 580**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 580**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 580

An Act to repeal sections 49.310, 50.622, 50.660, 50.783, 52.290, 52.312, 52.361, 52.370, 54.010, 55.030, 55.140, 55.190, 56.700, 64.170, 67.402, 67.456, 67.1360, 67.1361, 67.2000, 68.025, 68.035, 68.040, 68.070, 70.220, 94.902, 138.431, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.170, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 165.071, 221.105, 231.444, and 429.110, RSMo, and to enact in lieu thereof seventy-two new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 580** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 580**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 580

An Act to repeal sections 49.310, 50.660, 50.783, 52.290, 52.312, 52.361, 52.370, 54.010, 55.030, 55.140, 55.190, 56.700, 64.170, 67.110, 67.402, 67.456, 67.1000, 67.1360, 67.1361, 67.2000, 68.025, 68.035, 68.040, 68.070, 70.220, 71.285, 94.900, 94.902, 138.431, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.170, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 165.071, 181.060, 221.105, and 231.444, RSMo, and to enact in lieu thereof seventy-eight new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Senator Griesheimer moved that **SS** for **SCS** for **SB 580** be adopted.

Senator Dempsey assumed the Chair.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 140, Section 182.082, Line 5 of said page, by inserting after the word “district”, the following: **“located at least partially within any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand five hundred but fewer than twenty-four thousand six hundred inhabitants, any county of the third classification without a township form of government and with more than fifteen thousand three hundred but fewer than fifteen thousand four hundred inhabitants, or any county of the third classification without a township form of government and with more than forty thousand eight hundred but fewer than forty thousand nine hundred inhabitants”**.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**, which was read:

## SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 54, Section 68.025, Line 12 of said page, by inserting after “district;” the following: **“except that no port improvement district real property tax may be levied on any property, real, or personal, which is assessed pursuant to sections 151.010 to 151.340, unless such real property tax levy is agreed to in writing by the property's owner;”**.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered SA 3:

## SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 19, Section 67.309, Line 27 of said page, by inserting after the word “classification”, the following: **“with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants”**.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered SA 4, which was read:

## SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Pages 148-149, Section 231.444, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered SA 5:

## SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 103, Section 94.902, Line 8, by inserting after all of said line the following:

**“94.1011. 1. The governing body of any city of the third classification with more than three thousand five hundred but fewer than three thousand six hundred inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than three percent per occupied room per night, and shall be imposed solely for the purpose of funding the construction, maintenance, and repair of a multipurpose conference and convention center. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon**



are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue generated by the tax shall be collected by the city collector of revenue, shall be deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the city and the repeal is approved by a majority of the qualified voters voting on the question.

6. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 37, Section 67.1360, Line 24, by striking the word “or”; and

Further amend line 27 by inserting after the word “county;” the following:

“ or

(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants;”.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 53, Section 67.2000, Line 21, by inserting after all of said line the following:

**“67.3025. It shall be lawful for any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants to enter into a contract with any private corporation or corporations, or with any corporation now or hereafter engaged in pumping and delivering water at wholesale for domestic consumption. It shall also be lawful for any such county to acquire, own, and hold, with any private corporation in this state, water mains or interests in water mains through which to procure an adequate supply of water for its inhabitants.”; and**

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 148, Section 221.105, Line 2, by inserting after all of said line the following:

**“226.720. 1. No junkyard shall be established, maintained or operated within two hundred feet of any other state or county road in this state unless such junkyard is fully screened from the state or county road by a permanent tight board or other screen fence not less than ten feet high, or of sufficient height to fully screen the wrecked or disabled automobiles or junk kept therein from the view of persons using the state or county road on foot or in vehicles in the ordinary manner, except that nothing in this section shall apply to any junkyard located in any incorporated town, village or city. The provisions of sections 226.650 through 226.710 shall not apply to this section except the definitions appearing in section 226.660.**

**2. Any person, firm or corporation who establishes, conducts, owns, maintains or operates a junkyard without complying with the provisions of this section shall, [on] upon their first conviction, be guilty of a class C misdemeanor and shall be ordered to either remove the junk from the property or build a fence as described in this section. Any person, firm, or corporation who establishes, conducts, owns, maintains, or operates a junkyard without complying with the provisions of this section shall, upon their second or subsequent violation, be guilty of a class A misdemeanor and shall be ordered to either remove the junk from the property or build a fence as described in this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Pages 28-29, Section 67.456, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Engler offered **SA 10**:

**SENATE AMENDMENT NO. 10**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 2, Section A, Line 9, by inserting after all of said line the following:

“48.020. **1.** All counties of this state are hereby classified, for the purpose of establishing organization and powers in accordance with the provisions of section 8, article VI, Constitution of Missouri, into four classifications determined as follows:

Classification 1. All counties having an assessed valuation of [six] **nine** hundred million dollars and over shall automatically be in the first classification after that county has maintained such valuation for the time period required by section 48.030; however, any county of the second classification which, on August [13, 1988] **28, 2010**, has had an assessed valuation of at least [four] **six** hundred million dollars for at least one year may, by resolution of the governing body of the county, elect to be classified as a county of the first classification after it has maintained such valuation for the period of time required by the provisions of section 48.030.

Classification 2. All counties having an assessed valuation of [four] **six** hundred [fifty] million dollars and less than the assessed valuation necessary for that county to be in the first classification shall automatically be in the second classification after that county has maintained such valuation for the time period required by section 48.030.

Classification 3. All counties having an assessed valuation of less than the assessed valuation necessary for that county to be in the second classification shall automatically be in the third classification.

Classification 4. All counties which have attained the second classification prior to August 13, 1988, and which would otherwise return to the third classification after August 13, 1988, because of changes in assessed valuation shall remain a county in the second classification and shall operate under the laws of this state applying to the second classification.

**2. The required assessed valuation for each classification under subsection 1 of this section shall be increased annually by an amount equal to the percentage change in the annual average of the Consumer Price Index for all urban consumers (CPI-U) or zero, whichever is greater. The state tax commission shall calculate and publish this amount so that it is available to all counties.”; and**

Further amend said bill, page 150, section B, line 35 by inserting after the word “state” the following:

“and to ensure the continuation of efficient and proper administration of county government”; and further amend said line by striking the word “section” and inserting in lieu thereof the following: “sections 48.020 and”; and further amend line 40 by striking the word “section” and inserting in lieu thereof the following: “sections 48.020 and”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered **SA 11**:

## SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 137, Section 165.071, Line 13 of said page, by inserting immediately after said line the following:

**“171.185. No school district located in any city of the third classification with more than forty-six thousand eight hundred but fewer than forty-seven thousand inhabitants shall operate a recycling center within five hundred feet of a residential property.”; and**

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 12**:

## SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 53, Section 67.2000, Line 21 of said page, by inserting after all of said line the following:

**“67.2725. For any public meeting where a vote of the governing body is required to implement a tax increase, utilize the power of eminent domain, create a transportation development district or a community improvement district, or approve a redevelopment project or plan that pledges public funds as financing for the project or plan, the governing body of any county, city, town, or village, or any entity created by such county, city, town, or village, shall give notice conforming with all the requirements of subsection 1 of section 610.020 at least four days before such entity may vote to address such issues, exclusive of weekends and holidays when the facility is closed; provided that this section shall not apply to any votes or discussion related to proposed ordinances which require a minimum of two separate readings on different days for their passage. Notwithstanding the provisions of subsection 4 of section 610.020 to the contrary, under no circumstances shall the governing body or entity give less than four days notice for any matter subject to the provisions of this section. No vote shall occur until after a public hearing on the matter at which parties in interest and citizens shall have an opportunity to be heard. If the notice required under this section is not properly given, no vote on such issues shall be held until proper notice has been provided under this section. For the purpose of this section, a tax increase shall not include the setting of the annual tax rates provided for under sections 67.110 and 137.055.”; and**

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 13**:

## SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 94, Section 94.900, Line 19, by inserting immediately following the word “inhabitants” the following:

**“, or any home rule city with more than forty-eight thousand but fewer than forty-nine thousand inhabitants”.**

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 14**:

## SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 103, Section 94.902, Line 8, by inserting immediately after said line the following:

“137.180. 1. Whenever any assessor shall increase the valuation of any real property he shall forthwith notify the record owner of such increase, either in person, or by mail directed to the last known address; every such increase in assessed valuation made by the assessor shall be subject to review by the county board of equalization whereat the landowner shall be entitled to be heard, and the notice to the landowner shall so state.

2. Effective January 1, 2009, for all counties with a charter form of government, **other than any county adopting a charter form of government after January 1, 2008**, whenever any assessor shall increase the valuation of any real property, he or she shall forthwith notify the record owner on or before June fifteenth of such increase and, in a year of general reassessment, the county shall notify the record owner of the projected tax liability likely to result from such an increase, either in person, or by mail directed to the last known address; every such increase in assessed valuation made by the assessor shall be subject to review by the county board of equalization whereat the landowner shall be entitled to be heard, and the notice to the landowner shall so state. Notice of the projected tax liability from the county shall accompany the notice of increased valuation from the assessor.

3. Effective January [1, 2011,] **first of the year following receipt of software necessary for the implementation of the requirements provided under this subsection and subsection 4 of this section, from the state tax commission**, for all counties not subject to the provisions of subsection 2 of this section or subsection 2 of section 137.355, whenever any assessor shall increase the valuation of any real property, he or she shall forthwith notify the record owner on or before June fifteenth of such increase and, in a year of general reassessment, the county shall notify the record owner of the projected tax liability likely to result from such an increase, either in person, or by mail directed to the last known address; every such increase in assessed valuation made by the assessor shall be subject to review by the county board of equalization whereat the landowner shall be entitled to be heard, and the notice to the landowner shall so state. Notice of the projected tax liability from the county shall accompany the notice of increased valuation from the assessor.

4. The notice of projected tax liability, required under subsections 2 and 3 of this section, from the county shall include:

- (1) **The** record owner's name, address, and the parcel number of the property;
- (2) A list of all political subdivisions levying a tax upon the property of the record owner;
- (3) The projected tax rate for each political subdivision levying a tax upon the property of the record owner, and the purpose for each levy of such political subdivisions;
- (4) The previous year's tax rates for each individual tax levy imposed by each political subdivision levying a tax upon the property of the record owner;
- (5) The tax rate ceiling for each levy imposed by each political subdivision levying a tax upon the property of the record owner;
- (6) The contact information for each political subdivision levying a tax upon the property of the record owner;

(7) A statement identifying any projected tax rates for political subdivisions levying a tax upon the property of the record owner, which were not calculated and provided by the political subdivision levying the tax; and

(8) The total projected property tax liability of the taxpayer.

137.355. If an assessor increases the valuation of any tangible personal property as estimated in the itemized list furnished to the assessor, and if an assessor increases the valuation of any real property, he shall forthwith notify the record owner of the increase either in person or by mail directed to the last known address, and if the address of the owner is unknown notice shall be given by publication in two newspapers published in the county.

2. Effective January [1, 2011,] **first of the year following receipt of software necessary for the implementation of the requirements provided under this subsection and subsection 3 of this section, from the state tax commission**, if an assessor increases the valuation of any real property, the assessor, on or before June fifteenth, shall notify the record owner of the increase and, in a year of general reassessment, the county shall notify the record owner of the projected tax liability likely to result from such an increase either in person or by mail directed to the last known address, and, if the address of the owner is unknown, notice shall be given by publication in two newspapers published in the county. Notice of the projected tax liability from the county shall accompany the notice of increased valuation from the assessor.

3. The notice of projected tax liability, required under subsection 2 of this section, from the county shall include:

(1) Record owner's name, address, and the parcel number of the property;

(2) A list of all political subdivisions levying a tax upon the property of the record owner;

(3) The projected tax rate for each political subdivision levying a tax upon the property of the record owner, and the purpose for each levy of such political subdivisions;

(4) The previous year's tax rates for each individual tax levy imposed by each political subdivision levying a tax upon the property of the record owner;

(5) The tax rate ceiling for each levy imposed by each political subdivision levying a tax upon the property of the record owner;

(6) The contact information for each political subdivision levying a tax upon the property of the record owner;

(7) A statement identifying any projected tax rates for political subdivisions levying a tax upon the property of the record owner, which were not calculated and provided by the political subdivision levying the tax; and

(8) The total projected property tax liability of the taxpayer.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 580**, with **SCS**, **SS** for **SCS** and **SA 14** (pending), was placed on the Informal Calendar.

On motion of Senator Engler, the Senate recessed until 2:45 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by Senator Callahan.

## **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 628**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 42**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

## **SENATE COMMITTEE AMENDMENT NO. 1**

Amend Senate Concurrent Resolution No. 42, Page 139, of the Senate Journal for Wednesday, January 20, 2010, Line 24 of said page, by striking “all state departments” and inserting in lieu thereof the following: “the Department of Natural Resources”.

## **RESOLUTIONS**

Senator Days offered Senate Resolution No. 1602, regarding the Rosa Parks Celebration, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Justus introduced to the Senate, the Physician of the Day, Dr. Richard Price, M.D., Kansas City.

Senator Keaveny introduced to the Senate, Bonnie Driscoll, St. Louis.

Senator Lager introduced to the Senate, Sam Kuntz, Chicago, Illinois.

Senator Rupp introduced to the Senate, Lauren Khouri, Columbus, Ohio.

Senator Wilson introduced to the Senate, Erin Richardson, St. Louis.

Senator Rupp introduced to the Senate, Jim and Yvonne Roe, St. Charles County.

Senator Bray introduced to the Senate, Jorge Riopedre, St. Louis.

The President introduced to the Senate, members of the Hispanic Chamber of Commerce of Metropolitan St. Louis.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

NINETEENTH DAY—WEDNESDAY, FEBRUARY 10, 2010

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 902-Nodler	SB 917-Schaefer
SB 903-Bray	SB 918-Schaefer
SB 904-Bray	SB 919-Ridgeway
SB 905-Bray, et al	SB 920-Keaveny
SB 906-Bray	SB 921-Callahan and Keaveny
SB 907-Rupp	SB 922-Callahan
SB 908-Green	SB 923-Mayer
SB 909-Green	SB 924-Griesheimer, et al
SB 910-Lembke	SB 925-Dempsey
SB 911-Shields	SB 926-Shoemyer and Keaveny
SB 912-Cunningham	SB 927-Cunningham
SB 913-Cunningham	SB 928-Lager
SB 914-Cunningham	SB 929-Lager
SB 915-Barnitz	SB 930-Justus
SB 916-Barnitz	SB 931-Justus

## HOUSE BILLS ON SECOND READING

HB 1442-Jones (89), et al

## THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)	SS for SCS for SBs 586 & 617-Bartle
SCS for SB 604-Mayer	

## SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS	SB 596-Callahan, with SCS
SBs 607, 602, 615 & 725-Stouffer, with SCS	SJR 22-Callahan
SB 738-Crowell, with SCS	SB 839-Wright-Jones, with SCS



INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 580-Griesheimer, with SCS, SS for  
SCS & SA 14 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 753-Dempsey  
SB 670-Justus  
SB 669-Justus  
SB 668-Justus

SB 581-Griesheimer  
SB 649-Days and Wright-Jones  
SB 804-Schmitt

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1

To be Referred

SCR 46-Stouffer

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**NINETEENTH DAY—WEDNESDAY, FEBRUARY 10, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Grant that I may not pray alone with the mouth; help me that I may pray from the depths of my heart.” (Martin Luther)

Grant us Your grace, O Lord, that we may know that there is nothing mutually exclusive about using our hearts and our heads. Help us use all You have given us to strive for balance between boldness and love - between power and wise discretion. Help us develop “sanity and saintliness” and let not our heads, our hearts nor our mouths be offensive but a help to those in need. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Schmitt offered Senate Resolution No. 1603, regarding Opera Theatre of Saint Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 1604, regarding Michael Schuknecht, Fenton, which was adopted.

Senator Purgason offered Senate Resolution No. 1605, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lee Trayler, Pottersville, which was adopted.

Senator Purgason offered Senate Resolution No. 1606, regarding the Sixty-first Wedding Anniversary of Mr. and Mrs. Charles Robert Hinds, Willow Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1607, regarding the City of Lee's Summit, which was adopted.

Senator Schaefer offered Senate Resolution No. 1608, regarding the 2009 Little League State Champion Daniel Boone National League All-Stars baseball team, Columbia, which was adopted.

Senator Crowell offered Senate Resolution No. 1609, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Michael Wessel, Cape Girardeau, which was adopted.

Senator Goodman offered Senate Resolution No. 1610, regarding Affordable Moving Services, Inc., Branson, which was adopted.

Senator Rupp offered Senate Resolution No. 1611, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tom Ballard, St. Charles, which was adopted.

Senator McKenna offered Senate Resolution No. 1612, regarding the One Hundredth Anniversary of the City of Pevely, which was adopted.

Senator Rupp offered Senate Resolution No. 1613, regarding Alexa Castellano, O'Fallon, which was adopted.

Senator Lager offered Senate Resolution No. 1614, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Remus, Princeton, which was adopted.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 932**—By Shoemyer.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to accessibility of offices in the state capitol.

**SB 933**—By Dempsey.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to chiropractic services.

## SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 577**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 577**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 577

An Act to repeal sections 105.470, 105.483, 105.485, and 130.044, RSMo, and to enact in lieu thereof six new sections relating to ethics, with penalty provisions.

Was taken up.

Senator Shields moved that **SCS** for **SB 577** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 577**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 577

An Act to repeal sections 105.470, 105.483, 105.485, 105.955, 105.957, 105.959, 105.961, 130.021, 130.031, and 130.044, RSMo, and to enact in lieu thereof eleven new sections relating to ethics, with penalty provisions.

Senator Shields moved that **SS** for **SCS** for **SB 577** be adopted.

Senator Bartle assumed the Chair.

Senator Dempsey assumed the Chair.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 7, Section 105.470, Line 28 of said page, by striking the following “governmental entity,”;

And further amend page 8, same section, line 19 by inserting immediately after “legislative” the following “, **executive or judicial**”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Bray, **SA 1** was withdrawn.

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 62, Section 130.044, Line 27, by inserting immediately after “governor” the following “, **lieutenant governor, treasurer, attorney general, secretary of state, or auditor**”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 1, Section 21.033, Line 14 of said page, by inserting after all of said line the following:

“105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general,

secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; or

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof.

2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property,

competitive bidding, provided that the bid or offer accepted is the lowest and best received.

**3. No member of the general assembly shall act, serve, or register as a legislative lobbyist as defined in section 105.470 within two years after leaving office.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Griesheimer offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 1, Section 21.033, Line 14 of said page, by inserting after all of said line the following:

“105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; or

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof.

2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor

or spouse of such official, is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest and best received.

**3. No member of the general assembly shall act, serve, or register as a legislative lobbyist as defined in section 105.470, be employed by the state or a legislator, or contract with or solicit any individual for the purposes of securing services for political fund raising, campaigning, or consulting that in any way relates to the election of any state or federal office until the end of the legislative session after the individual leaves office. This section shall become effective January 1, 2011.”; and**

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above substitute amendment be adopted.

Senator Crowell requested a roll call vote be taken on the adoption of **SSA 1** for **SA 3** and was joined in his request by Senators Barnitz, Bartle, Bray and Clemens.

At the request of Senator Shields, **SB 577**, with **SCS, SS** for **SCS, SA 3** and **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCRs 34** and **35**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NOS. 34 and 35

Relating to submission of a proposed federal balanced budget amendment to the United States Constitution.

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, under Article V of the Constitution of the United States:

“The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress”; and

WHEREAS, the following Amendment to the United States Constitution is proposed:

“Section 1. The annual expenditures of the Congress shall not exceed the annual revenue for any year, save for the use of monetary reserves, except as provided for in Sections 2 and 3.

Section 2. The Congress shall not borrow from any source, including its own funds and trusts, for any expense, except for the extraordinary costs of a declared war or armed conflict, or for a fiscal emergency declared by Congress and signed by the President of the United States.

Section 3. The Congress may issue special bonds for specific capital projects, which shall, in turn, be extinguished within twenty years of issuance. The cumulative total of all bonds issued in this manner shall never exceed twenty percent of the total private sector earned income.

Section 4. This amendment shall take effect beginning the third fiscal year after its ratification.

Section 5. This resolution shall not be construed as an application for a constitutional convention to the United States Constitution pursuant to Article V thereof.”:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby submit this resolution for a federal balanced budget Amendment to the United States Constitution and, pursuant to Article V of the United States Constitution, respectfully urge the United States Congress to submit the proposed Amendment to the United States Constitution to the States for ratification and inclusion in the United States Constitution; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Majority and Minority Leaders of the United States Senate and House of Representatives, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **SENATE BILLS FOR PERFECTION**

Senator Griesheimer moved that **SB 580**, with **SCS**, **SS** for **SCS** and **SA 14** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 14** was again taken up.

At the request of Senator Nodler, the above amendment was withdrawn.

Senator Pearce offered **SA 15**:

### **SENATE AMENDMENT NO. 15**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 145, Section 190.056, Line 28, by inserting after all of said line the following:

“204.300. 1. In all counties except counties of the first classification which have a charter form of government and which contain all or any portion of a city with a population of three hundred fifty thousand or more inhabitants, the governing body of the county, by resolution, order, or ordinance, shall appoint five trustees, the majority of whom shall reside within the boundaries of the district. In the event the district extends into any county bordering the county in which the greater portion of the district lies, the presiding commissioner or other chief executive officer of the adjoining county shall be an additional member of the appointed board of trustees. The trustees may be paid reasonable compensation by the district for their services; except that, any compensation schedule shall be approved by resolution of the board of trustees. The board of trustees shall be responsible for the control and operation of the sewer district. The term of each board member shall be five years; except that, members of the governing body of the county sitting upon the board shall not serve beyond the expiration of their term as members of such governing body of the county. The first board of trustees shall be appointed for terms ranging from one to five years so as to establish one vacancy per year thereafter. The trustees may be paid reasonable compensation by the district for their services; except that, any compensation schedule shall be approved by resolution, order, or ordinance of the governing body of the county. Any and all expenses incurred in the performance of their



duties shall be reimbursed by the district. The board of trustees shall have the power to employ and fix the compensation of such staff as may be necessary to discharge the business and purposes of the district, including clerks, attorneys, administrative assistants, and any other necessary personnel. The board of trustees shall select a treasurer, who may be either a member of the board of trustees or another qualified individual. The treasurer selected by the board shall give such bond as may be required by the board of trustees. The board of trustees shall appoint the sewer engineer for the county in which the greater part of the district lies as chief engineer for the district, and the sewer engineer shall have the same powers, responsibilities and duties in regard to planning, construction and maintenance of the sewers, and treatment facilities of the district as he now has by virtue of law in regard to the sewer facilities within the county for which he is elected. If there is no sewer engineer in the county in which the greater part of the district lies, the board of trustees may employ a registered professional engineer as chief engineer for the district under such terms and conditions as may be necessary to discharge the business and purposes of the district. The provisions of this subsection shall not apply to any county of the first classification which has a charter form of government and which contains all or any portion of a city with a population of three hundred fifty thousand or more inhabitants.

2. In any county of the first classification which has a charter form of government and which contains all or any portion of a city with a population of three hundred fifty thousand or more inhabitants, and in any county of the first classification without a charter form of government and which has a population of more than sixty-three thousand seven hundred but less than seventy-five thousand, there shall be [an eight-member] **a ten-member** board of trustees to consist of the county executive, the mayors of the [four] **five** cities constituting the largest users by flow during the previous fiscal year, the mayors of [two] **three** cities which are not among the [four] **five** largest users and who are members of the advisory board of the district established pursuant to section 204.310, and one member of the county legislature to be appointed by the county executive, with the concurrence of the county legislature. If the county executive does not appoint such members of the county legislature to the board of trustees within sixty days, the county legislature shall make the appointments. The advisory board members shall be appointed annually by the advisory board. In the event the district extends into any county bordering the county in which the greater portion of the district lies, the number of members on the board of trustees shall be increased to a total of [nine] **eleven** and the presiding commissioner or county executive of the adjoining county shall be an additional member of the board of trustees. The trustees shall receive no compensation for their services, but may be compensated for their reasonable expenses normally incurred in the performance of their duties. The board of trustees may employ and fix the compensation of such staff as may be necessary to discharge the business and purposes of the district, including clerks, attorneys, administrative assistants, and any other necessary personnel. The board of trustees may employ and fix the duties and compensation of an administrator for the district. The administrator shall be the chief executive officer of the district subject to the supervision and direction of the board of trustees and shall exercise the powers, responsibilities and duties heretofore exercised by the chief engineer prior to September 28, 1983. The administrator of the district may, with the approval of the board of trustees, retain consulting engineers for the district under such terms and conditions as may be necessary to discharge the business and purposes of the district. The provisions of this subsection shall only apply to counties of the first classification which have a charter form of government and which contain all or any portion of a city with a population of three hundred fifty thousand or more inhabitants.

204.569. When an unincorporated sewer subdistrict of a common sewer district has been formed pursuant to sections 204.565 to 204.573, the board of trustees of the common sewer district shall have the

same powers with regard to the subdistrict as for the common sewer district as a whole, plus the following additional powers:

(1) To enter into agreements to accept, take title to, or otherwise acquire, and to operate such sewers, sewer systems, treatment and disposal facilities, and other property, both real and personal, of the political subdivisions included in the subdistrict as the board determines to be in the interest of the common sewer district to acquire or operate, according to such terms and conditions as the board finds reasonable, provided that such authority shall be in addition to the powers of the board of trustees pursuant to section 204.340;

(2) To provide for the construction, extension, improvement, and operation of such sewers, sewer systems, and treatment and disposal facilities, as the board determines necessary for the preservation of public health and maintenance of sanitary conditions in the subdistrict;

(3) For the purpose of meeting the costs of activities undertaken pursuant to the authority granted in this section, to issue bonds in anticipation of revenues of the subdistrict in the same manner as set out in sections 204.360 to 204.450, for other bonds of the common sewer district. Issuance of such bonds for the subdistrict shall require the assent only of four-sevenths of the voters of the subdistrict voting on the question, [and] **except that, as an alternative to such a vote, if the subdistrict is a part of a common sewer district located in whole or in part in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants, bonds may be issued for such subdistrict if the question receives the written assent of three-quarters of the customers of the subdistrict in a manner consistent with section 204.370, where “customer”, as used in this subdivision, means any political subdivision within the subdistrict that has a service or user agreement with the common sewer district.** The principal and interest of [such] **any bonds issued under this subdivision** shall be payable only from the revenues of the subdistrict and not from any revenues of the common sewer district as a whole;

(4) To charge the costs of the common sewer district for operation and maintenance attributable to the subdistrict, plus a proportionate share of the common sewer district's costs of administration to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440;

(5) With prior concurrence of the subdistrict's advisory board, to provide for the treatment and disposal of sewage from the subdistrict in or by means of facilities of the common sewer district not located within the subdistrict, in which case the board of trustees shall also have authority to charge a proportionate share of the costs of the common sewer district for operation and maintenance to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440.”; and

Further amend the title and enacting clause accordingly.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Griesheimer, **SB 580**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

## REFERRALS

President Pro Tem Shields referred **SCR 46** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

**RESOLUTIONS**

Senator Green offered Senate Resolution No. 1615, regarding Christopher Eric Rawlings, St. Louis, which was adopted.

Senator Schaefer offered Senate Resolution No. 1616, regarding Desire Buckley, Columbia, which was adopted.

Senator Vogel offered Senate Resolution No. 1617, regarding Roger A. Hagner, Jefferson City, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1618, regarding Jamala Rogers, Saint Louis, which was adopted.

**MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 10, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sreenivasa R. Dandamudi, 13036 Pingry Place, Town and Country, Saint Louis County, Missouri 63131, as a member of the Administrative Hearing Commission, for a term ending February 9, 2016, and until his successor is duly appointed and qualified; vice, Philip G. Smith, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointment to the Committee on Gubernatorial Appointments.

**SENATE BILLS FOR PERFECTION**

Senator Griesheimer moved that **SB 580**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SB 580**, as amended, was again taken up.

Senator Dempsey offered **SA 16**:

**SENATE AMENDMENT NO. 16**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 91, Section 77.305, Line 11 of said page, by inserting immediately after said line the following:

“94.270. 1. The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public halls, opera houses, concerts, photographers, bill

posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune tellers, pistol galleries, corn doctors, private venereal hospitals, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tippling houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

2. Notwithstanding any other law to the contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of twenty-seven dollars per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of thirteen dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

4. Notwithstanding any other law to the contrary, on or after January 1, 2006, no city of the fourth classification with more than fifty-one thousand three hundred and eighty but less than fifty-one thousand four hundred inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand or no city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand shall levy or collect a license fee on hotels or motels in an amount in excess of [one thousand dollars per year] **five percent of such hotels' or motels' gross revenue**. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with

this subsection.

5. Any city **imposing a license fee authorized** under subsection 4 of this section [may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed one-eighth of one percent of such hotels' or motels' gross revenue] **shall be prohibited from imposing any other tax, on charges paid by any person for rooms or accommodations paid by transient guests of hotels and motels in such city, which may now or hereafter be authorized by law.**

6. Any city under subsections 1, 2, and 3 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed the greater of:

- (1) One-eighth of one percent of such hotels' or motels' gross revenue; or
- (2) The business license tax rate for such hotel or motel on May 1, 2005.

7. The provisions of subsection 6 of this section shall not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005.”; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted.

Senator Dempsey offered **SA 1** to **SA 16**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 16

Amend Senate Amendment No. 16 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 3, Section 94.270, Line 29, by deleting the word “**five**” and inserting in lieu thereof the word “**four**”.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

**SA 16**, as amended, was again taken up.

Senator Dempsey moved that **SA 16**, as amended, be adopted, which motion failed.

Senator Callahan offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 149, Section 231.444, Line 21, by inserting after all of said line the following:

“473.739. 1. Each public administrator in counties of the first classification without a charter form of government who does not receive at least twenty-five thousand dollars in fees as otherwise allowed by law shall receive annual compensation of four thousand dollars and each such public administrator who does not receive at least forty-five thousand dollars in fees may request the county salary commission for an increase in annual compensation and the county salary commission may authorize an additional increase in annual compensation not to exceed ten thousand dollars.

2. Two thousand dollars of the compensation authorized in this section shall be payable to the public administrator only if he **or she** has completed at least twenty hours of [classroom] instruction each calendar year relating to the operations of the public administrator's office when approved by a professional

association of the county public administrators of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each public administrator who completes the training program and shall send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the county public administrator in the same manner as other expenses as may be appropriated for that purpose.

473.742. 1. Each public administrator in counties of the second, third or fourth classification and in the city of St. Louis shall make a determination within thirty days after taking office whether such public administrator shall elect to receive a salary as defined herein or receive fees as may be allowed by law to executors, administrators and personal representatives. The election by the public administrator shall be made in writing to the county clerk. Should the public administrator elect to receive a salary, the public administrator's office may not then elect to change at any future time to receive fees in lieu of salary.

2. If a public administrator elects to be placed on salary, the salary shall be based upon the average number of open letters in the two years preceding the term when the salary is elected, based upon the following schedule:

- (1) Zero to five letters: Salary shall be a minimum of seven thousand five hundred dollars;
- (2) Six to fifteen letters: Salary shall be a minimum of fifteen thousand dollars;
- (3) Sixteen to twenty-five letters: Salary shall be a minimum of twenty thousand dollars;
- (4) Twenty-six to thirty-nine letters: Salary shall be a minimum of twenty-five thousand dollars;

(5) Public administrators with forty or more letters shall be considered full-time county officials and shall be paid according to the assessed valuation schedule set forth below:

Assessed valuation	Salary
\$8,000,000 to 40,999,999	\$29,000
\$41,000,000 to 53,999,999	\$30,000
\$54,000,000 to 65,999,999	\$32,000
\$66,000,000 to 85,999,999	\$34,000
\$86,000,000 to 99,999,999	\$36,000
\$100,000,000 to 130,999,999	\$38,000
\$131,000,000 to 159,999,999	\$40,000
\$160,000,000 to 189,999,999	\$41,000
\$190,000,000 to 249,999,999	\$41,500
\$250,000,000 to 299,999,999	\$43,000
\$300,000,000 to 449,999,999	\$45,000
\$450,000,000 to 599,999,999	\$47,000
\$600,000,000 to 749,999,999	\$49,000
\$750,000,000 to 899,999,999	\$51,000

\$900,000,000 to 1,049,999,999	\$53,000
\$1,050,000,000 to 1,199,999,999	\$55,000
\$1,200,000,000 to 1,349,999,999	\$57,000
\$1,350,000,000 and over	\$59,000;

(6) The public administrator in the city of St. Louis shall receive a salary not less than sixty-five thousand dollars;

**(7) Two thousand dollars of the compensation authorized in this section shall be payable to the public administrator only if he or she has completed at least twenty hours of instruction each calendar year relating to the operations of the public administrator's office when approved by a professional association of the county public administrators of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each public administrator who completes the training program and shall send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the county public administrator in the same manner as other expenses as may be appropriated for that purpose.**

3. The initial compensation of the public administrator who elects to be put on salary shall be determined by the average number of letters for the two years preceding the term when the salary is elected. Salary increases or decreases according to the minimum schedule set forth in subsection 1 of this section shall be adjusted only after the number of open letters places the workload in a different subdivision for two consecutive years. Minimum salary increases or decreases shall only take effect upon a new term of office of the public administrator. The number of letters each year shall be determined in accordance with the reporting requirements set forth in law.

4. All fees collected by a public administrator who elects to be salaried shall be deposited in the county treasury or with the treasurer for the city of St. Louis.

5. Any public administrator in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants who elects to receive fees in lieu of a salary pursuant to this section may elect to join the Missouri local government employees' retirement system created pursuant to sections 70.600 to 70.755, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 18**:

#### SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 15, Section 59.003, Line 9 of said page, by inserting immediately after the word “office” the following: “**of the recorder of deeds**”; and further amend line 10 of said page, by striking the word “filed” and inserting in lieu thereof the following: “**recorded**”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 103, Section 94.902, Line 8 of said page, by inserting after all of said line the following:

“137.180. 1. Whenever any assessor shall increase the valuation of any real property he shall forthwith notify the record owner of such increase, either in person, or by mail directed to the last known address; every such increase in assessed valuation made by the assessor shall be subject to review by the county board of equalization whereat the landowner shall be entitled to be heard, and the notice to the landowner shall so state.

2. Effective January 1, 2009, for all counties with a charter form of government, **other than any county adopting a charter form of government after January 1, 2008**, whenever any assessor shall increase the valuation of any real property, he or she shall forthwith notify the record owner on or before June fifteenth of such increase and, in a year of general reassessment, the county shall notify the record owner of the projected tax liability likely to result from such an increase, either in person, or by mail directed to the last known address; every such increase in assessed valuation made by the assessor shall be subject to review by the county board of equalization whereat the landowner shall be entitled to be heard, and the notice to the landowner shall so state. Notice of the projected tax liability from the county shall accompany the notice of increased valuation from the assessor.

3. **For all calendar years prior to the first day of January of the year following receipt of software necessary for the implementation of the requirements provided under subsections 4 and 5 of this section from the state tax commission, for any county not subject to the provisions of subsection 2 of this section or subsection 2 of section 137.355, whenever any assessor shall increase the valuation of any real property, he or she shall forthwith notify the record owner on or before June fifteenth of the previous assessed value and such increase either in person, or by mail directed to the last known address and include in such notice a statement indicating that the change in assessed value may impact the record owner's tax liability and provide all processes and deadlines for appealing determinations of the assessed value of such property. Such notice shall be provided in a font and format sufficient to alert a record owner of the potential impact upon tax liability and the appellate processes available.**

4. Effective January [1, 2011,] **first of the year following receipt of software necessary for the implementation of the requirements provided under this subsection and subsection 5 of this section from the state tax commission**, for all counties not subject to the provisions of subsection 2 of this section or subsection 2 of section 137.355, whenever any assessor shall increase the valuation of any real property, he or she shall forthwith notify the record owner on or before June fifteenth of such increase and, in a year of general reassessment, the county shall notify the record owner of the projected tax liability likely to result from such an increase, either in person, or by mail directed to the last known address; every such increase in assessed valuation made by the assessor shall be subject to review by the county board of equalization whereat the landowner shall be entitled to be heard, and the notice to the landowner shall so state. Notice of the projected tax liability from the county shall accompany the notice of increased valuation from the assessor.

[4.] **5.** The notice of projected tax liability, required under subsections 2 and [3] **4** of this section, from the county shall include:

- (1) **The** record owner's name, address, and the parcel number of the property;



- (2) A list of all political subdivisions levying a tax upon the property of the record owner;
- (3) The projected tax rate for each political subdivision levying a tax upon the property of the record owner, and the purpose for each levy of such political subdivisions;
- (4) The previous year's tax rates for each individual tax levy imposed by each political subdivision levying a tax upon the property of the record owner;
- (5) The tax rate ceiling for each levy imposed by each political subdivision levying a tax upon the property of the record owner;
- (6) The contact information for each political subdivision levying a tax upon the property of the record owner;
- (7) A statement identifying any projected tax rates for political subdivisions levying a tax upon the property of the record owner, which were not calculated and provided by the political subdivision levying the tax; and
- (8) The total projected property tax liability of the taxpayer.

**6. In addition to the requirements provided under subsections 1, 2, and 5 of this section, effective January 1, 2011, in any county with a charter form of government and with more than one million inhabitants, whenever any assessor shall notify a record owner of any change in assessed value, such assessor shall provide notice that information regarding the assessment method and computation of value for such property is available on the assessor's website and provide the exact website address at which such information may be accessed. Such notification shall provide the assessor's contact information to enable taxpayers without internet access to request and receive information regarding the assessment method and computation of value for such property.**

137.355. If an assessor increases the valuation of any tangible personal property as estimated in the itemized list furnished to the assessor, and if an assessor increases the valuation of any real property, he shall forthwith notify the record owner of the increase either in person or by mail directed to the last known address, and if the address of the owner is unknown notice shall be given by publication in two newspapers published in the county.

**2. For all calendar years prior to the first day of January of the year following receipt of software necessary for the implementation of the requirements provided under subsections 3 and 4 of this section from the state tax commission, whenever any assessor shall increase the valuation of any real property, he or she shall forthwith notify the record owner on or before June fifteenth of the previous assessed value and such increase either in person, or by mail directed to the last known address and include on the face of such notice, in no less than twelve point font, the following statement: NOTICE TO TAXPAYER: IF YOUR ASSESSED VALUE HAS INCREASED, IT MAY INCREASE YOUR REAL PROPERTY TAXES WHICH ARE DUE DECEMBER THIRTY-FIRST. IF YOU DO NOT AGREE THAT THE VALUE OF YOUR PROPERTY HAS INCREASED, YOU MUST CHALLENGE THE VALUE ON OR BEFORE ..... (INSERT DATE BY WHICH APPEAL MUST BE FILED) BY CONTACTING YOUR COUNTY ASSESSOR.**

**3. Effective January [1, 2011,] first of the year following receipt of software necessary for the implementation of the requirements provided under this subsection and subsection 4 of this section from the state tax commission, if an assessor increases the valuation of any real property, the assessor, on**

or before June fifteenth, shall notify the record owner of the increase and, in a year of general reassessment, the county shall notify the record owner of the projected tax liability likely to result from such an increase either in person or by mail directed to the last known address, and, if the address of the owner is unknown, notice shall be given by publication in two newspapers published in the county. Notice of the projected tax liability from the county shall accompany the notice of increased valuation from the assessor.

[3.] 4. The notice of projected tax liability, required under subsection [2] 3 of this section, from the county shall include:

- (1) Record owner's name, address, and the parcel number of the property;
- (2) A list of all political subdivisions levying a tax upon the property of the record owner;
- (3) The projected tax rate for each political subdivision levying a tax upon the property of the record owner, and the purpose for each levy of such political subdivisions;
- (4) The previous year's tax rates for each individual tax levy imposed by each political subdivision levying a tax upon the property of the record owner;
- (5) The tax rate ceiling for each levy imposed by each political subdivision levying a tax upon the property of the record owner;
- (6) The contact information for each political subdivision levying a tax upon the property of the record owner;
- (7) A statement identifying any projected tax rates for political subdivisions levying a tax upon the property of the record owner, which were not calculated and provided by the political subdivision levying the tax; and
- (8) The total projected property tax liability of the taxpayer.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 20:

#### SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 141, Section 182.802, Line 25, by inserting immediately after said line the following:

“184.362. The use and enjoyment of such institutions and places, museums and parks of any and all of the subdistricts established under sections 184.350 to 184.384 shall be forever free **to residents of the district** and open to the public at such times as may be provided by the reasonable rules and regulations adopted by the respective commissions in order to render the use of the said subdistrict's facilities of the greatest benefit and efficiently to the greatest number. **Upon application of a subdistrict established under sections 184.350 to 184.384, or in the case of a subdistrict which contracts with another person for provision of services authorized by this chapter, upon application of both the subdistrict and any person with whom the subdistrict contracts, and upon majority vote by the district board, a fee may be charged upon nonresidents of the district for admission to such institutions, places, museums, and parks of any of the subdistricts or of any person with whom the commissioners of any of the subdistricts contract. The respective commissions may, upon a majority vote of such commission,**

**provide for exemptions from any fee for admission, to institutions, places, museums, and parks of such commission, adopted by the district board under the provisions of this section.** The respective commissions may exclude from the use of the said facilities any and all persons who willfully violate such rules. In addition said commission shall make and adopt such bylaws, rules and regulations for its own guidance and for the election of its members and for the administration of the subdistrict as it may deem expedient and as may not be inconsistent with the provisions of the law. The respective commissions **and any person with whom the commissioners of a subdistrict may contract,** may [contract] **enter into contracts** for, or exact, a charge from any person in connection with the use, enjoyment, purchase, license or lease of any property, facility, activity, exhibit, function, or personnel of the respective subdistricts **or of any person with whom the commissioners of any subdistrict may contract.** Said commission shall have exclusive control of the expenditures of all moneys collected by the district to the credit of the subdistrict's fund. The commission of any subdistrict established by the voters under the authority of section 184.350 shall have exclusive control of the construction and maintenance of any subdistrict buildings built or maintained in whole or in part with moneys of said fund and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for the purposes of the subdistrict under the authority conferred in this law. The commission of any subdistrict established by the voters under the authority of section 184.350 shall have the power to appoint a director and necessary assistants, to fix their compensation and shall also have power to remove such appointees. All employees, appointees and officers of publicly owned and operated museums and zoological parks shall on the establishment of a subdistrict related thereto become employees of the subdistrict and such appointees' and employees' seniority, pension, salaries, wages and fringe benefits shall be equal to or better than that existing at the time of the establishment of the subdistrict insofar as may be possible. The respective commissions shall whenever the need arises transmit to the district a complete survey and report of the subdistrict's need for construction, reconstruction and repair of improvements, buildings and other facilities and shall include all information and data necessary for the purpose of ascertaining the cost of such improvements and shall further certify to the district the need for incurring additional indebtedness as provided in sections 184.364 to 184.376 herein.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Purgason offered **SA 21**:

#### SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 53, Section 67.2000, Line 21 of said page, by inserting after all of said line the following:

**“67.3050. Sections 67.3050 to 67.3092 shall be known as the “Missouri Law Enforcement District Act”.**

**67.3053. As used in sections 67.3050 to 67.3092, the following terms mean:**

- (1) “Approval of the required majority” or “direct voter approval”, a simple majority;**
- (2) “Board”, the board of directors of a district;**
- (3) “District”, a law enforcement district organized under sections 67.3050 to 67.3092;**
- (4) “Registered voter”, any voter registered within the boundaries of the district or proposed**

**district.**

**67.3056. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to law enforcement or to assist in such activity.**

**2. A district is a political subdivision of the state.**

**3. A district may be created in any county of the first classification with more than thirty-seven thousand but fewer than thirty-seven thousand one hundred inhabitants.**

**67.3059. 1. Whenever the creation of a district is desired, ten percent of the registered voters within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located.**

**2. The proposed district area shall be contiguous and may contain any portion of one or more municipalities. Two areas may be considered contiguous if both are adjacent to the shoreline of the same body of water.**

**3. The petition shall set forth:**

**(1) The name and address of each owner of real property located within the proposed district and registered voter within the proposed district;**

**(2) A specific description of the proposed district boundaries, including a map illustrating such boundaries;**

**(3) A general description of the purpose or purposes for which the district is being formed; and**

**(4) The name of the proposed district.**

**4. In the event any owner of real property within the proposed district who is named in the petition or any registered voter does not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon said owner or registered voter in the manner provided by supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.**

**67.3062. 1. Any owner of real property within the proposed district and any registered voter may join in or file a petition supporting, or answer opposing, the creation of the district and seeking a judgment respecting these same issues.**

**2. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall order the district organized and incorporated and shall approve the plan of operation stated in the petition.**

**3. Any party having filed a petition or answer to a petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be a final judgment for purposes of appeal.**

**67.3065. The costs of filing and defending the petition and all publication and incidental costs**

incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized under sections 67.3050 to 67.3092, the petitioners may be reimbursed for such costs out of the revenues received by the district.

**67.3068.** A district created under sections 67.3050 to 67.3092 shall be governed by a board of directors consisting of five members to be elected as provided in section 67.3071.

**67.3071. 1.** Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of registered voters within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of five directors, two to serve one year, two to serve two years, and one to serve three years, to be composed of registered voters of the district.

**2.** The attendees, when assembled, shall organize by electing a chairman and secretary of the meeting. The secretary shall conduct the election.

**3.** Upon completion of the terms of the initial directors under subsection 1 of this section, each successor director shall serve for a term of three years and until such director's successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the registered voters called by the board. The remaining directors shall have the authority to elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.

**4.** Directors shall be at least twenty-one years of age.

**67.3074. 1.** The board shall possess and exercise all of the district's legislative and executive powers.

**2.** Within thirty days after the election of the initial directors, the board shall meet. At its first meeting and after each election of new board members the board shall elect a chairman, a secretary, a treasurer and such other officers as it deems necessary from its members. A director may fill more than one office, except that a director may not fill both the office of chairman and secretary.

**3.** The board may employ such employees as it deems necessary; provided however, that the board shall not employ any employee who is related within the third degree by blood or marriage to a member of the board.

**4.** At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

**5.** A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

**6.** Each director shall devote such time to the duties of the office as his or her faithful discharge may require and may be reimbursed for such director's actual expenditures in the performance of such director's duties on behalf of the district.

**67.3077.** A district may receive and use funds for the purposes of planning, designing,

constructing, reconstructing, maintaining and operating one or more projects relating to law enforcement. Such funds may be derived from any funding method which is authorized by sections 67.3050 to 67.3092 and from any other source, including but not limited to funds from federal sources, the state of Missouri or an agency of the state, a political subdivision of the state, or private sources.

**67.3080. 1.** If approved by at least four-sevenths of the registered voters voting on the question in the district, the district may impose a property tax in an amount not to exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The district board may levy a property tax rate lower than its approved tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling approved by the voters without new voter approval. The property tax shall be uniform throughout the district.

**2.** The ballot of submission shall be substantially in the following form:

Shall the ..... Law Enforcement District impose a property tax upon all real and tangible personal property within the district at a rate of not more than ..... (insert amount) cents per hundred dollars assessed valuation for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If four-sevenths of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal, then the tax authorized in this section shall be in effect. If a four-sevenths of the votes cast by the registered voters voting are opposed to the proposal, then the board of the law enforcement district shall have no power to impose the tax authorized in this section until such board resubmits another proposal to authorize the board of the law enforcement district to impose the tax authorized by this section and such proposal is approved by four-sevenths of the registered voters voting thereon.

**3.** The county collector of each county in which the district is partially or entirely located shall collect the property taxes and special benefit assessments made upon all real property and tangible personal property within that county and the district, in the same manner as other property taxes are collected.

**4.** Every county collector having collected or received district property taxes shall, on or before the fifteenth day of each month and after deducting his or her commissions, remit to the treasurer of that district the amount collected or received by him or her prior to the first day of the month. Upon receipt of such money, the district treasurer shall execute a receipt therefor, which he or she shall forward or deliver to the collector. The district treasurer shall deposit such sums into the district treasury, credited to the appropriate project or purpose. The collector and district treasurer shall make final settlement of the district account and commissions owing, not less than once each year, if necessary.

**67.3081. 1.** The district board, when presented with a petition signed by at least ten percent of the registered voters, calling for an election to repeal the tax under section 67.3080, shall submit the question to the voters. The ballot of submission shall be in substantially the following form:

Shall ..... (insert name of law enforcement district) repeal the property tax upon all real and tangible personal property within the district now in effect in the ..... (insert name of law enforcement district) for the purpose of providing revenue for the development of a project or projects in the district?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

2. If a majority of the votes cast on the proposal by the registered voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved.

67.3083. 1. A district may contract and incur obligations appropriate to accomplish its purposes.

2. A district may enter into any lease or lease-purchase agreement for or with respect to any real or personal property necessary or convenient for its purposes.

3. A district may borrow money for its purposes at such rates of interest as the district may determine.

4. A district may enter into labor agreements, establish all bid conditions, decide all contract awards, pay all contractors and generally supervise the operation of the district.

67.3086. The district may contract with a federal agency, a state or its agencies and political subdivisions, a corporation, partnership or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity; provided however, that any contract providing for the overall management and operation of the district shall only be with a governmental entity or a not for profit corporation.

67.3089. In addition to all other powers granted by sections 67.3050 to 67.3092 the district shall have the following general powers:

(1) To contract with the county sheriff's department for the provision of services;

(2) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(3) To fix compensation of its employees and contractors;

(4) To purchase any personal property necessary or convenient for its activities;

(5) To collect and disburse funds for its activities; and

(6) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

67.3092. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers and its employees from any potential liability and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.

2. The district may also require contractors performing construction or maintenance work on the project and companies providing operational and management services to obtain liability

insurance having the district, its directors and employees as additional named insureds.

**3. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources. However, the district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption.”; and**

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 22**, which was read:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 25, Section 67.402, Line 15 of said page, by inserting immediately after “inhabitants” the following: “;

**(6) Any county of the third classification with a township form of government and with more than fourteen thousand five hundred but fewer than fourteen thousand six hundred inhabitants”.**

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 23**, which was read:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 15, Section 56.700, Line 6 of said page, by inserting after all of said line the following:

“58.030. **1.** No person shall be elected or appointed to the office of coroner unless he be a citizen of the United States, over the age of twenty-one years, and shall have resided within the state one whole year, and within the county for which he is elected, six months next preceding the election.

**2. Each person elected or appointed to the office of coroner or deputy coroner shall complete the applicable annual training requirements under sections 58.095 and 58.096 within six months of the person's election or appointment.”; and**

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 92, Section 94.271, Line 21 of said page, by inserting after all of said line the following:

“94.510. **1.** Any city may, by a majority vote of its council or governing body, impose a city sales tax for the benefit of such city in accordance with the provisions of sections 94.500 to 94.550; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of sections 94.500 to 94.550 shall be effective unless the legislative body of the city submits to the voters of the city, at a public election, a proposal to authorize the legislative body of the city to impose a tax under the provisions of sections 94.500 to 94.550.



The ballot of submission shall be in substantially the following form:

Shall the city of ..... (insert name of city) impose a city sales tax of ..... (insert rate of percent) percent?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the legislative body of the city shall have no power to impose the **proposed** tax herein authorized unless and until the legislative body of the city shall again have submitted another proposal to authorize the legislative body of the city to impose the tax under the provisions of sections 94.500 to 94.550, and such proposal is approved by a majority of the qualified voters voting thereon. **Disapproval of a proposal by the qualified voters shall not affect any tax already in effect.**

2. [The] **A** sales tax may be imposed at a rate of one-half of one percent, seven-eighths of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo; except that, each city not within a county may **also** impose such tax at a rate not to exceed one and three-eighths percent. **Beginning August 28, 2010, the combined rate of sales taxes adopted under sections 94.500 to 94.550 shall not exceed two percent.**

3. If any city in which a city tax has been imposed in the manner provided for in sections 94.500 to 94.550 shall thereafter change or alter its boundaries, the city clerk of the city shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the [tax imposed by the act] **taxes** shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

**4. The changes to this section enacted by the ninety-fifth general assembly, second regular session, shall not be construed to be a new tax or an increase in the current levy of an existing tax for purposes of paragraph (a) of section 22, article X, Constitution of Missouri, and cities that have already imposed and collected taxes under this section may continue to collect such taxes under this section without further approval by the voters as a continuation of a tax previously approved by the voters of such city.**

94.550. 1. All city sales taxes collected by the director of revenue under sections 94.500 to 94.550 on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited [with the state treasurer] in a special trust fund, which is hereby created, to be known as the "City Sales Tax Trust Fund". The moneys in the city sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city imposing a city sales tax, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month, to the city treasurer, or such other officer as may be designated by the city ordinance, of

each city imposing the tax authorized by sections 94.500 to 94.550, the sum due the city as certified by the director of revenue.

2. The director of revenue may [authorize the state treasurer to] make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes [the] a tax, the city shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of [the tax] **all such taxes** in such city, the director of revenue shall [authorize the state treasurer to] remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts.

**3. The changes to this section enacted by the ninety-fifth general assembly, second regular session, shall not be construed to be a new tax or an increase in the current levy of an existing tax for purposes of paragraph (a) of section 22, article X, Constitution of Missouri, and cities that have already imposed and collected taxes under this section may continue to collect such taxes under this section without further approval by the voters as a continuation of a tax previously approved by the voters of such city.**

94.577. 1. The governing body of any municipality except those located in whole or in part within any first class county having a charter form of government and not containing any part of a city with a population of four hundred thousand or more and adjacent to a city not within a county for that part of the municipality located within such first class county is hereby authorized to impose, by ordinance or order, a one-eighth, one-fourth, three-eighths, or one-half of one percent sales tax on all retail sales made in such municipality which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding capital improvements, including the operation and maintenance of capital improvements, which may be funded by issuing bonds which will be retired by the revenues received from the sales tax authorized by this section or the retirement of debt under previously authorized bonded indebtedness. A municipality located in a charter county may impose a sales tax on all retail sales for capital improvements as provided in section 94.890. The [tax] **taxes** authorized by this section shall be in addition to any and all other sales taxes allowed by law; but no ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the municipality submits to the voters of the municipality, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the municipality to impose such tax and, if such tax is to be used to retire bonds authorized under this section, to authorize such bonds and their retirement by such tax, or to authorize the retirement of debt under previously authorized bonded indebtedness. **Beginning August 28, 2010, the combined rate of sales taxes adopted under this section by a municipality shall not exceed one percent.**

2. The ballot of submission shall contain, but need not be limited to:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the municipality of ..... (municipality's name) impose a sales tax of ..... (insert amount) for the purpose of funding capital improvements which may include the retirement of debt under previously

authorized bonded indebtedness?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO"; or

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the municipality of ..... (municipality's name) issue bonds in the amount ..... of ..... (insert amount) to fund capital improvements and impose a sales tax of ..... (insert amount) to repay bonds?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, including when the proposal authorizes the reduction of debt under previously authorized bonded indebtedness under subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect, except that any proposal submitted under subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds must be approved by the constitutionally required percentage of the voters voting thereon to become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality shall have no power to issue any bonds or impose the **proposed** sales tax authorized in this section unless and until the governing body of the municipality shall again have submitted another proposal to authorize the governing body of the municipality to issue any bonds or impose [the] a sales tax authorized by this section, and such proposal is approved by the requisite majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section, except that any municipality with a population of greater than four hundred thousand and located within more than one county may submit a proposal pursuant to this section to the voters sooner than twelve months from the date of the last proposal submitted pursuant to this section if submitted to the voters on or before November 6, 2001. **Disapproval of a proposal by the qualified voters shall not affect any tax already in effect.**

3. All revenue received by a municipality from the [tax] **taxes** authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for capital improvements, including the operation and maintenance of capital improvements, for so long as the [tax] **taxes** shall remain in effect. Once the [tax] **taxes** authorized by this section [is] **are** abolished or [is] terminated by any means, all funds remaining in the special trust fund required by this subsection shall be used solely for the maintenance of the capital improvements made with revenues raised by the [tax] **taxes** authorized by this section. Any funds in the special trust fund required by this subsection which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section which have not been imposed to retire bonds issued pursuant to this section.

4. All revenue received by a municipality which issues bonds under this section and imposes the [tax] **taxes** authorized by this section to retire such bonds shall be deposited in a special trust fund and shall be

used solely to retire such bonds, except to the extent that such funds are required for the operation and maintenance of capital improvements. Once all of such bonds have been retired, all funds remaining in the special trust fund required by this subsection shall be used solely for the maintenance of the capital improvements made with the revenue received as a result of the issuance of such bonds. Any funds in the special trust fund required by this subsection which are not needed to meet current obligations under the bonds issued under this section may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section which have been imposed to retire bonds issued under this section.

5. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax in the same manner as provided in sections 94.500 to 94.550, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional [tax] **taxes** authorized under the authority of this section. The tax imposed pursuant to this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the [tax] **taxes** imposed under this section.

6. No tax imposed pursuant to this section for the purpose of retiring bonds issued under this section may be terminated until all of such bonds have been retired.

7. In any city not within a county, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

8. Any tax imposed under this section in any home rule city with more than four hundred thousand inhabitants and located in more than one county solely for public transit purposes shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, RSMo, and tax revenues derived from such tax shall not be subject to allocation under the provisions of subsection 3 of section 99.845, RSMo, or subsection 4 of section 99.957, RSMo.

9. The director of revenue may [authorize the state treasurer to] make refunds from the amounts in the trust fund and credited to any municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such municipalities. If any municipality abolishes [the] **a** tax, the municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of [the tax] **all such taxes** in such municipality, the director of revenue shall remit the balance in the account to the municipality and close the account of that municipality. The director of revenue shall notify each municipality of each instance of any amount refunded or any check redeemed from receipts due the municipality.

**10. If any municipality in which a tax has been imposed under this section changes or alters its boundaries after the tax is imposed, the clerk of the municipality shall forward to the director of**

revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect its effective date, and shall be accompanied by a map of the municipality clearly showing the territory added to or detached from the municipality. Upon receipt of the ordinance and map, the taxes shall be effective in the attached territory, or abolished in the detached territory, on the effective date of the change of the municipal boundary.

**11. The changes to this section enacted by the ninety-fifth general assembly, second regular session, shall not be construed to be a new tax or an increase in the current levy of an existing tax for purposes of paragraph (a) of section 22, article X, Constitution of Missouri, and cities that have already imposed and collected taxes under this section may continue to collect such taxes under this section without further approval by the voters as a continuation of a tax previously approved by the voters of such city.”; and**

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Green, Pearce and Shields.

**SA 24** was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Days	Goodman	Green	Griesheimer	Justus
Keaveny	Lager	McKenna	Nodler	Pearce	Purgason	Ridgeway	Schmitt
Scott	Shields	Wilson	Wright-Jones—20				

NAYS—Senators

Barnitz	Bray	Cunningham	Dempsey	Engler	Lembke	Mayer	Rupp
Schaefer	Shoemyer	Stouffer—11					

Absent—Senator Clemens—1

Absent with leave—Senators

Crowell	Vogel—2
---------	---------

Vacancies—None

Senator Green offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 149, Section 231.444, Line 21 of said page, by inserting after all of said line the following:

**“286.400. 1. The department of labor and industrial relations shall develop a program to screen and test each worker who works on a public works project under chapter 34 for controlled substances on a random basis. Any worker on a public works project who is found to test positive for use of a controlled substance, which was not prescribed for such worker by a licensed healthcare provider, shall, after being afforded the right to an administrative hearing under the provisions of chapter 536, be declared ineligible to perform further work on a public works project in the state of Missouri for**

a period of three years. The department of labor and industrial relations shall notify the employer of a worker who tests positive for the use of a controlled substance under this section, that if the worker's employer refers such worker to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health, then, upon successful completion of such program, such worker may be allowed to return to work on a public works project prior to the expiration of such three-year period. All costs for the program of screening and testing workers for controlled substance abuse, as well as all costs for attendance at such substance abuse treatment program shall be borne by the employer on the public works project. No costs under this section shall be borne by the state, any of its agencies, or any political subdivision thereof.

2. The department of labor and industrial relations shall promulgate rules to implement the provisions of this section, which shall not be in violation of any applicable federal law or regulation. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Lager raised the point of order that **SA 25** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Green offered **SA 26**:

#### SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 112, Section 139.031, Line 17 of said page, by inserting after all of said line the following:

“139.100. 1. If any taxpayer shall fail or neglect to pay to the collector his taxes at the time required by law, then it shall be the duty of the collector, after the first day of January then next ensuing, to collect and account for, as other taxes, an additional tax, as penalty, the amount provided for in section 140.100, RSMo.

2. Collectors shall, on the day of their annual settlement with the county governing body, file with governing body a statement, under oath, of the amount so received, and from whom received, and settle with the governing body therefor; but, interest shall not be chargeable against persons who are absent from their homes, and engaged in the military service of this state or of the United States. **No interest shall be charged against any person who fails to pay to taxes to the collector due to a illness that prevents the person from being present at his or her home, provided that such person shall, no later than sixty days following the date on which such taxes are due, pay the full amount of taxes due and provide the collector with a written request for a waiver of interest which shall contain a notarized letter from such person's physician stating the medical reason such person was unable to timely pay such tax.** The

provisions of this section shall apply to the city of St. Louis, so far as the same relates to the addition of such interest, which, in such city, shall be collected and accounted for by the collector as other taxes, for which he shall receive no compensation.

3. Whenever any collector of the revenue in the state fails or refuses to collect the penalty provided for in this section on state and county taxes, it shall be the duty of the director of revenue and county clerk to charge such collectors with the amount of interest due thereon, as shown by the returns of the county clerk, and such collector shall be liable to the penalties as provided for in section 139.270.

4. For purposes of this section and other provisions of law relating to the timely payment of taxes due on any real or personal property, payments for taxes due on any real or personal property which are delivered by United States mail to the collector, the collector's office, or other officer or office designated by the county or city to receive such payments, of the appropriate county or city, shall be deemed paid as of the postmark date stamped on the envelope or other cover in which such payment is mailed. In the event any payment of taxes due is sent by registered or certified mail, the date of registration or certification shall be deemed the postmark date. No additional tax or penalty shall be imposed under this section on any taxpayer whose payment is delivered by United States mail, if the postmark date stamped on the envelope or other cover containing such payment falls within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment or if the postmaster for the jurisdiction where the payment was mailed verifies in writing that the payment was deposited in the United States mail within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment, and was delayed in delivery because of an error by the United States postal service and not because of an error by the taxpayer.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 27**:

#### SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 103, Section 94.902, Line 8, by inserting immediately after said line the following:

“115.305. **With the exception of section 115.342**, this subchapter shall not apply to candidates for special district offices, township offices in township organization counties, or city, town and village offices; provided that, cities of the fourth class, except those in a county of the first class with a charter form of government and which adjoins a city not within a county, may elect, only by ordinance, to hold primary elections in accordance with the provisions of sections 115.305 to 115.405 or in accordance with the provisions of sections 78.470, 78.480 and 78.510, RSMo, and the ordinance shall state which of these provisions of law are being adopted.

115.342. 1. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, **city taxes, municipal user fees**, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election to a public office shall file an affidavit with the department of

revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form: “AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, **city taxes, municipal user fees**, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute.

..... Candidate's Signature

..... Printed Name of Candidate.”

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, **city taxes, municipal user fees**, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.”; and

Further amend said bill, page 149, section 231.444, line 21, by inserting immediately after said line the following:

**“321.018. Persons contracting to provide professional services for a fire protection district shall not receive compensation after termination of such contract by the governing body of such fire protection district, except for services actually rendered.**

321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district at least one year before the election or appointment and be over the age of twenty-five years; except as provided in subsections 2 and 3 of this section. The person shall also be a resident of such fire protection district. In the event the person is no longer a resident of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a ten dollar filing fee and filing a statement under oath that such person possesses the required qualifications.

2. In any fire protection district located in more than one county one of which is a first class county without a charter form of government having a population of more than one hundred ninety-eight thousand and not adjoining any other first class county or located wholly within a first class county as described herein, a resident shall have been a resident of the district for more than one year to be qualified to serve as a director.

3. In any fire protection district located in a county of the third or fourth classification, a person to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the district



for more than one year before the election or appointment, except that for the first board of directors in such district, a person need only be a voter of the district for one year before the election or appointment.

4. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that such person possesses all of the qualifications set out in this chapter for a director of a fire protection district. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.

**5. Any director who has been found guilty of or pleads guilty to any felony shall immediately forfeit the office.**

321.711. 1. A recall petition shall be filed with the election authority not more than one hundred eighty days after the filing of the notice of intention.

2. The number of qualified signatures required in order to recall an officer shall be equal in number to at least [twenty-five] **twenty** percent of the number of voters who voted in the most recent gubernatorial election in that district.

3. Within twenty days from the filing of the recall petition the election authority shall determine whether or not the petition was signed by the required number of qualified signatures. The election authority shall file with the petition a certificate showing the results of the examination. The authority shall give the proponents a copy of the certificate upon their request.

4. If the election authority certifies the petition to be insufficient, it may be supplemented within ten days of the date of certificate by filing additional petition sections containing all of the information required by section 321.709 and this section. Within ten days after the supplemental copies are filed, the election authority shall file with it a certificate stating whether or not the petition as supplemented is sufficient.

5. If the certificate shows that the petition as supplemented is insufficient, no action shall be taken on it; however, the petition shall remain on file.”; and

Further amend said bill, page 150, section 1, line 33, by inserting immediately after said line the following:

“[115.346. Notwithstanding any other provisions of law to the contrary, no person shall be certified as a candidate for a municipal office, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office.]”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 28**:

#### SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 103, Section 94.902, Line 8, by inserting immediately after said line the following:

“99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days

from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 or 3 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the

municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments. Members appointed by the county executive or presiding commissioner prior to August 28, 2008, shall continue their service on the commission established in subsection 3 of this section without further appointment unless the county executive or presiding commissioner appoints a new member or members.

### 3. Beginning August 28, [2008] **2010**:

(1) In lieu of a commission created under subsection 2 of this section, [any city, town, or village in a county with a charter form of government and with more than one million inhabitants, in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, or in a county of the first classification with more than one hundred eighty-five thousand but fewer than two hundred thousand inhabitants] **cities, towns, and villages** shall, prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, create a commission consisting of twelve persons to be appointed as follows:

(a) Six members appointed either by the county executive or presiding commissioner; notwithstanding any provision of law to the contrary, no approval by the county's governing body shall be required;

(b) Three members appointed by the cities, towns, or villages in the county which have tax increment financing districts in a manner in which the chief elected officials of such cities, towns, or villages agree;

(c) Two members appointed by the school boards whose districts are included in the county in a manner in which the school boards agree; and

(d) One member to represent all other districts levying ad valorem taxes in the proposed redevelopment area in a manner in which all such districts agree. No city, town, or village subject to this subsection shall create or maintain a commission under subsection 2 of this section, except as necessary to complete a public hearing for which notice under section 99.830 has been provided prior to August 28, [2008] **2010**, and to vote or make recommendations relating to redevelopment plans, redevelopment projects, or designation of redevelopment areas, or amendments thereto that were the subject of such public hearing;

(2) Members appointed to the commission created under this subsection, except those six members appointed by either the county executive or presiding commissioner, shall serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan, or designation of a redevelopment area is considered for approval by the commission. The six members appointed by either the county executive or the presiding commissioner shall serve on all such commissions until replaced. The city, town, or village that creates a commission under this subsection shall send notice thereof by certified mail to the county executive or presiding commissioner, to the school districts whose boundaries include any portion of the proposed redevelopment area, and to the other taxing districts whose boundaries include any portion of the proposed redevelopment area. The city, town, or village that creates the commission shall also be solely responsible for notifying all other cities, towns, and villages in the county that have tax increment financing districts and shall exercise all administrative functions of the commission. The school districts receiving notice from the city, town, or village shall be solely responsible for notifying the other school districts within the county of the formation of the commission. If the county, school board, or other taxing district fails to appoint members to the commission within thirty days after the city, town, or village sends the written notice, as provided herein, that it has convened such a commission or within thirty days of the expiration of any such member's term, the remaining duly appointed members of the commission may exercise the full powers of the commission.

4. (1) Any commission created under this section, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830.

(2) Any commission created under subsection 2 of this section shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

(3) Any commission created under subsection 3 of this section shall, within fifteen days of the receipt

of a redevelopment plan meeting the minimum requirements of section 99.810, as determined by counsel to the city, town, or village creating the commission and a request by the applicable city, town, or village for a public hearing, fix a time and place for the public hearing referred to in section 99.825. The public hearing shall be held no later than seventy-five days from the commission's receipt of such redevelopment plan and request for public hearing. The commission shall vote and make recommendations to the governing body of the city, town, or village requesting the public hearing on all proposed redevelopment plans, redevelopment projects, and designations of redevelopment areas, and amendments thereto within thirty days following the completion of the public hearing. If the commission fails to vote within thirty days following the completion of the public hearing referred to in section 99.825 concerning the proposed redevelopment plan, redevelopment project, or designation of redevelopment area, or amendments thereto, such plan, project, designation, or amendment thereto shall be deemed rejected by the commission.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Rupp offered **SA 29**:

SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 3, Section 49.310, Line 16, by inserting immediately after said line the following:

“50.622. Any county may amend the annual budget during any fiscal year in which the county receives additional funds **or a decrease in funds**, and such amount or source, including but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 149, Section 231.444, Line 21, by inserting after all of said line the following:

“260.210. 1. It is unlawful for any person to:

(1) Dump or deposit, or permit dumping or depositing of any solid wastes onto the surface of the ground or into streams, springs, and all bodies of surface or ground water, whether natural or artificial, within the boundaries of the state except in a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subdivision shall not prohibit the use or require a permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect the public health, and shall not prohibit the disposal of or require a permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health;

(2) Construct or alter a solid waste processing facility or solid waste disposal area of a solid waste

management system without approval from the department;

(3) Conduct any solid waste burning operations in violation of the rules and regulations of the Missouri air conservation commission or the department;

(4) Except as otherwise provided, store, collect, transport, process, or dispose of solid waste in violation of the rules, regulations or orders of the department or in such a manner as to create a public nuisance or adversely affect the public health; [or]

(5) Refuse entry or access, requested for purposes of inspecting solid waste processing facilities or solid waste disposal areas, to an agent or employee of the department who presents appropriate credentials, or hinder the agent or employee in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any circuit or associate circuit judge having jurisdiction to any such agent or employee for the purpose of enabling him to make such inspection;  
**or**

**(6) Operate any solid waste processing facility constructed within any unincorporated portion of a county with a charter form of government and with more than one million inhabitants that is eight hundred feet of a church or place of worship, school, child or adult day care center, nursing home, assisted living facility, health service facility, or residentially zoned property, outside the days and hours of Monday to Friday between 9:00 a.m. and 2:30 p.m. Such facility shall also be closed on any state or federally recognized holiday. Noise levels at the perimeter of such facility shall not exceed fifty-five decibels. Any violation of such hours shall be cause for revocation of a state operating permit.**

2. Information obtained from waste disposed or deposited in violation of this section may be a rebuttable presumption that the person so identified committed the violation of sections 260.200 to 260.345. If the operator or passenger of any vehicle is witnessed by a peace officer or employee of the department of natural resources to have violated the provisions of this section and the identity of the operator is not determined or otherwise apparent, it may be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation.

3. No person shall be held responsible pursuant to this section for the dumping or depositing of any solid waste on land owned or lawfully occupied by him or her without his or her express or implied consent, permission or knowledge.

4. The department shall investigate reports of the dumping or depositing of solid waste or demolition waste in a manner contrary to the requirements of sections 260.200 to 260.345. The department shall immediately issue a cease and desist order if it determines that any person has been or is dumping or depositing solid waste or demolition waste, or has allowed the dumping or disposal of solid waste or demolition waste or has received compensation for same, in a manner contrary to sections 260.200 to 260.345. The department shall order the owner of the property or the person placing solid waste or demolition waste thereon, or both, to remove all solid waste from the premises if it determines that the waste might be reasonably expected to cause a public nuisance or health hazard.

5. The department shall order a site cleaned up pursuant to the provisions of section 260.230, when it determines that the property owner or the operator has accepted remuneration or otherwise benefited financially for placing solid waste or demolition waste in or on the site in contravention of this section. Persons who knowingly haul solid waste or demolition waste to a site which is operating without a permit,

persons who operate such a site and persons who own the property where the solid waste or demolition waste is being dumped or deposited shall be jointly and severally liable for cleanup costs and any damage to third parties caused by the dumping or disposing of solid waste or demolition waste on the property if the owner or operator has accepted remuneration or otherwise benefited financially from such disposal. The provisions of sections 260.230 and 260.240, relating to the issuance of orders, shall be applicable to an action pursuant to this section. Any person aggrieved by any action of the department pursuant to this section may appeal in the manner provided in section 260.235. Any person may bring civil action for actual and exemplary damages against the responsible party if the person has sustained injury due to violations of this section.

6. Notwithstanding subsection 1 of section 260.250, any solid waste disposal area or solid waste processing facility serving a city with a population of more than four hundred thousand inhabitants may accept yard waste commingled with solid waste that results from an illegal dump cleanup activity or program conducted by the local government of such city pursuant to this section. The local government of such city shall provide certification to the solid waste disposal area or solid waste processing facility that the origin of the yard waste is from the cleanup of illegally dumped solid waste.

7. Any person who engages in building construction, modification or in construction, modification or demolition which produces demolition waste, in types and quantities established by the department, shall dispose of such waste in a demolition or sanitary landfill or other authorized sites as provided by rule. Each such person shall maintain records of sites used for demolition disposal for a period of one year. These records shall be made available to the department upon request.

8. Cities and counties which issue building permits shall reprint the following on each permit or on a separate notice:

“Notice: The disposal of demolition waste is regulated by the department of natural resources pursuant to chapter 260, RSMo. Such waste, in types and quantities established by the department, shall be taken to a demolition landfill or a sanitary landfill for disposal.”

9. A demolition landfill may accept clean fill, waste resulting from building or demolishing structures and all other waste not required to be placed in a sanitary landfill or a hazardous waste disposal facility for final disposition.

10. Notwithstanding subsection 7 of this section, certain wastes may be disposed of as provided by this subsection:

(1) A person engaged in any activity which produces clean fill may use such material for fill, reclamation or other beneficial purposes on his or her own property or on the property of another person with the permission of the owner of such property, provided that such use does not violate any state law or local ordinance or order;

(2) A person engaged in any activity which produces wood waste may reuse or recycle such waste or may dispose of wood waste on the site where generated if such disposal is in compliance with applicable state law or local ordinances or orders;

(3) A person who engages in clearance, trimming or removal of trees, brush or other vegetation may use wood wastes from such activities for beneficial purposes including, but not limited to, firewood, ground cover, erosion control, mulch, compost or cover for wildlife.”; and



Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 31**:

SENATE AMENDMENT NO. 31

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 150, Section 1, Line 33, by inserting immediately after said line the following:

**“Section 2. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 68.025, 68.035, 68.040, 68.057, 68.070, 68.200, 68.205, 68.210, 68.215, 68.220, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, 68.255, and 68.260 as contained in this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of sections 68.025, 68.035, 68.040, 68.057, 68.070, 68.200, 68.205, 68.210, 68.215, 68.220, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, 68.255, and 68.260 as contained in this act.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 32**:

SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 148, Section 221.105, Line 2 of said page, by inserting after all of said line the following:

**“4. Any amount chargeable to the state under this section shall be subject to state appropriations designated for such purpose.”.**

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Pages 31-32, Section 67.1080, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Schaefer offered **SSA 1** for **SA 33**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 580, Page 31, Section 67.1080, Line 12, by inserting after the word “county” the following:

**“of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants or any county of the third classification without a township form of government and with more than twenty-four thousand six hundred but fewer than twenty-four thousand seven hundred inhabitants”.**

Senator Schaefer moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

**SA 33** was again taken up.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **SB 580**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 580**, as amended, was declared perfected and ordered printed.

### **COMMUNICATIONS**

Senator Crowell submitted the following:

February 10, 2010

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building – Room 325  
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

**SB581** that allows the city council of a third class city to submit a question to the voters as an advisory referendum; and,

**SB670** that modifies provisions relating to the compromise of taxes and penalties for properties subject to certain actions as abandoned property in Jackson County.

Thank you.

Sincerely,  
/s/ Jason G. Crowell  
Jason G. Crowell  
State Senator

### **INTRODUCTIONS OF GUESTS**

Senator Champion introduced to the Senate, Chris Craig, Springfield.

Senator Nodler introduced to the Senate, twenty-seven dental hygienist students from Missouri Southern State University and the University of Missouri-Kansas City.

Senator Keaveny introduced to the Senate, members of Missouri Society of Eye Physicians and Surgeons from around the state.

Senator Keaveny introduced to the Senate, the Physician of the Day, Dr. David Vollman, M.D., St. Louis.

On behalf of Senator Crowell and himself, the President introduced to the Senate, Kim Holman and Debra and Sierra Rau, Cape Girardeau.

On behalf of Senator Champion and himself, Senator Crowell introduced to the Senate, Hollis and Steve Cropper, Springfield.

Senator Ridgeway introduced to the Senate, Kim Bray and Johanna Fogal, Kansas City; and Medea Horrocks, Smithville.

Senator Ridgeway introduced to the Senate, Donna Gardner, Clay County.

On behalf of Senators Wilson, Wright-Jones and herself, Senator Days introduced to the Senate, members of the Minority Business Council from around the state.

Senator Mayer introduced to the Senate, David and Wendye Pettit and their children, David, Nicholas, and Rachael, Bloomfield; and Francis and Adena Pettit, Cairo, Illinois.

Senator Ridgeway introduced to the Senate, former State Senator Chuck Gross, St. Charles.

Senator Mayer introduced to the Senate, Michelle and Rob Chism and their children, Jewel, Robyn and River, Bloomfield.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

TWENTIETH DAY—THURSDAY, FEBRUARY 11, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 902-Nodler	SB 918-Schaefer
SB 903-Bray	SB 919-Ridgeway
SB 904-Bray	SB 920-Keaveny
SB 905-Bray, et al	SB 921-Callahan and Keaveny
SB 906-Bray	SB 922-Callahan
SB 907-Rupp	SB 923-Mayer
SB 908-Green	SB 924-Griesheimer, et al
SB 909-Green	SB 925-Dempsey
SB 910-Lembke	SB 926-Shoemyer and Keaveny
SB 911-Shields	SB 927-Cunningham
SB 912-Cunningham	SB 928-Lager
SB 913-Cunningham	SB 929-Lager
SB 914-Cunningham	SB 930-Justus
SB 915-Barnitz	SB 931-Justus
SB 916-Barnitz	SB 932-Shoemyer
SB 917-Schaefer	SB 933-Dempsey

HOUSE BILLS ON SECOND READING

HB 1442-Jones (89), et al

THIRD READING OF SENATE BILLS

SS for SB 618-Rupp  
(In Fiscal Oversight)

SCS for SB 604-Mayer  
SS for SCS for SBs 586 & 617-Bartle

SENATE BILLS FOR PERFECTION

SBs 607, 602, 615 & 725-Stouffer, with SCS  
SB 738-Crowell, with SCS  
SB 596-Callahan, with SCS

SJR 22-Callahan  
SB 839-Wright-Jones, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS, SS for SCS,  
SA 3 & SSA 1 for SA 3 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 753-Dempsey  
SB 669-Justus  
SB 668-Justus

SB 649-Days and Wright-Jones  
SB 804-Schmitt

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1

To be Referred

HCS for HCRs 34 & 35

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTIETH DAY—THURSDAY, FEBRUARY 11, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“A man must always be exceedingly careful to show honor to his wife.” (Babylonian Talmud)

Loving Father, on this Valentine weekend we are mindful that relationships are always under assault from the competing claims that often have us passing each other like ships moving in opposite directions. Help us to honor our partners in this life that we may not show contempt with our words or behavior that leave them feeling empty, angry and lonely. But help us seek to make the effort to listen to what they have to say and to share - to struggle and honestly seek, ask and knock so as to bond in meaningful and dedicated efforts. May our relationships reflect Your love and principles that may help us become all we are capable of becoming. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Schmitt—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Lager offered Senate Resolution No. 1619, regarding the Honorable James G. Spencer, Milan, which was adopted.

Senator Lager offered Senate Resolution No. 1620, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Oliver Prewitt, Trenton, which was adopted.

Senator Bray offered Senate Resolution No. 1621, regarding Mr. and Mrs. David Ryan Molamphy, which was adopted.

Senator Pearce offered Senate Resolution No. 1622, regarding Ivan R. “Rusty” Harrison, Knob Noster, which was adopted.

Senator Goodman offered Senate Resolution No. 1623, regarding the Seventy-fifth Birthday of Larry William Tracy, Mt. Vernon, which was adopted.

Senator Rupp offered Senate Resolution No. 1624, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James Guffey, Elsberry, which was adopted.

Senator Shields offered Senate Resolution No. 1625, regarding Conner Paul Kostelac, Platte City, which was adopted.

Senator Purgason offered Senate Resolution No. 1626, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Doyle Johnson, Couch, which was adopted.

**CONCURRENT RESOLUTIONS**

Senators Engler and Callahan offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 47**

WHEREAS, Section 21.760 of the Revised Statutes of Missouri provides that the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 934**—By Griesheimer.

An Act to amend chapter 429, RSMo, by adding thereto three new sections relating to mechanics' liens, with penalty provisions.

**SB 935**—By Griesheimer.

An Act to repeal sections 429.050 and 429.060, RSMo, and to enact in lieu thereof one new section relating to statutory liens against real estate.

**SB 936**—By Pearce.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to science, technology, engineering, and mathematics education.

**SB 937**—By Justus.

An Act to repeal section 144.049, RSMo, and to enact in lieu thereof one new section relating to a sales tax holiday.

**SB 938**—By Justus.

An Act to repeal sections 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof five new sections relating to school retirement systems.

Senator Pearce assumed the Chair.

### THIRD READING OF SENATE BILLS

**SCS** for **SB 604**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 604

An Act to repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS** for **SB 604** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer
Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—30		

#### NAYS—Senators—None

#### Absent—Senators

Clemens      Ridgeway—2

#### Absent with leave—Senators

Schmitt      Vogel—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS for SCS for SBs 586 and 617**, introduced by Senator Bartle, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 586 and 617**

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions and a severability clause.

Was taken up.

On motion of Senator Bartle, **SS for SCS for SBs 586 and 617**, was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Scott
Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—29			

**NAYS—Senators**

Green                      Justus—2

Absent—Senator Clemens—1

Absent with leave—Senators

Schmitt                      Vogel—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following



appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Tiffany L. Carter, as a student representative of the Lincoln University Board of Curators;

Also,

Joel P. Evans, as a member of the Seismic Safety Commission;

Also,

Mark A. Folsom, as a member of the Child Abuse and Neglect Review Board;

Also,

Ruby Harriman, as a member of the Coordinating Board for Early Childhood;

Also,

Charles M. Heiss, as a member of the Corrections Officer Certification Commission.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 772**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 773**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 771**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 758**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which

was referred **SB 629**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 686**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 644**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 588**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 578**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 581**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 670**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 736**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 594**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 693**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 627**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 616**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 767**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 779**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SJR 20**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SJR 33**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 806**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 824**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 687**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 716**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SJR 31**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 579**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 621**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **SENATE BILLS FOR PERFECTION**

Senator Stouffer moved that **SB 607, SB 602, SB 615 and SB 725**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SBs 607, 602, 615 and 725**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 607, 602, 615 and 725**

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

Was taken up.

Senator Stouffer moved that **SCS for SBs 607, 602, 615 and 725** be adopted.

Senator Lager assumed the Chair.

Senator Stouffer offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bills Nos. 607, 602, 615 and 725, Page 1, In the Title, Line 2, by striking the word “illegal”; and further amend lines 3-4 of said title, by striking all of said lines and inserting in lieu thereof the following: “public assistance programs under the family support division.”; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

**“205.959. By December 31, 2011, the family support division within the department of social services shall conduct a study to submit to the general assembly determining the impact to the state's food stamp program should the division be allowed to limit the use of food stamps for nutritious foods similar to the distribution of funding for the federal women, infant's and children (WIC) food program.”; and**

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

At the request of Senator Stouffer, **SB 607**, **SB 602**, **SB 615** and **SB 725**, with **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

**SECOND READING OF  
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:  
**HCS** for **HCRs 34** and **35**—Rules, Joint Rules, Resolutions and Ethics.

**RE-REFERRALS**

President Pro Tem Shields re-referred **SB 659** to the Committee on Ways and Means.

**SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 902**—Small Business, Insurance and Industry.

**SB 903**—Jobs, Economic Development and Local Government.

**SB 904**—Judiciary and Civil and Criminal Jurisprudence.

**SB 905**—Ways and Means.

**SB 906**—Ways and Means.

**SB 907**—Education.

**SB 908**—Health, Mental Health, Seniors and Families.

**SB 909**—Transportation.

**SB 910**—Judiciary and Civil and Criminal Jurisprudence.

**SB 911**—Jobs, Economic Development and Local Government.

**SB 912**—Rules, Joint Rules, Resolutions and Ethics.

**SB 913**—Jobs, Economic Development and Local Government.

**SB 914**—Financial and Governmental Organizations and Elections.

**SB 915**—Jobs, Economic Development and Local Government.

**SB 916**—Jobs, Economic Development and Local Government.

**SB 917**—Small Business, Insurance and Industry.

**SB 918**—Commerce, Consumer Protection, Energy and the Environment.

**SB 919**—Financial and Governmental Organizations and Elections.

**SB 920**—Judiciary and Civil and Criminal Jurisprudence.

**SB 921**—Judiciary and Civil and Criminal Jurisprudence.

**SB 922**—Jobs, Economic Development and Local Government.

**SB 923**—Small Business, Insurance and Industry.

**SB 924**—Jobs, Economic Development and Local Government.

**SB 925**—Judiciary and Civil and Criminal Jurisprudence.

**SB 926**—Agriculture, Food Production and Outdoor Resources.

**SB 927**—Financial and Governmental Organizations and Elections.

**SB 928**—Ways and Means.

**SB 929**—Commerce, Consumer Protection, Energy and the Environment.

**SB 930**—Judiciary and Civil and Criminal Jurisprudence.

**SB 931**—Small Business, Insurance and Industry.

**SB 932**—Financial and Governmental Organizations and Elections.

**SB 933**—Health, Mental Health, Seniors and Families.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1540**, entitled:

An Act to repeal sections 304.015, 307.010, 307.090, 307.120, 307.155, 307.172, 307.173, 307.195, 307.390, 307.400, and 556.021, RSMo, and to enact in lieu thereof twelve new sections relating to infractions, with penalty provisions and an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1377**, entitled:

An Act to amend chapters 105 and 208, RSMo, by adding thereto three new sections relating to drug testing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, representatives from the Salvation Army, Majors Jeffrey and Dorothy Smith, Kansas and Western Missouri Division; and Majors Loneal and Patty Richardson and Jim Hoffmeister, Midland Division.

Senator Cunningham introduced to the Senate, Diane Buhr and junior and senior high school students representing the Fred Saigh Leadership Foundation, St. Louis County.

On behalf of Senator Shields, the President introduced to the Senate, Ashley Haney and Leslie Olsen; Todd and Amy Barr and their children, Katie and David; Terry and Julie White and their daughter, Grace; John Cline; and Julie Hutchinson and her children, Charlie and Laurel, Platte County; and Katie and Grace were made honorary pages.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 15, 2010.

## SENATE CALENDAR

---

TWENTY-FIRST DAY—MONDAY, FEBRUARY 15, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 934-Griesheimer  
SB 935-Griesheimer  
SB 936-Pearce

SB 937-Justus  
SB 938-Justus

### HOUSE BILLS ON SECOND READING

HB 1442-Jones (89), et al  
HCS for HB 1540

HCS for HB 1377

### THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 738-Crowell, with SCS  
2. SB 596-Callahan, with SCS  
3. SJR 22-Callahan  
4. SB 839-Wright-Jones, with SCS  
5. SB 644-Shields, with SCS  
6. SB 588-Nodler, with SCS  
7. SB 578-Shields  
8. SB 581-Griesheimer  
9. SB 670-Justus  
10. SB 594-Days, with SCS

11. SB 693-Wilson  
12. SB 627-Justus  
13. SB 616-Goodman, with SCS  
14. SB 779-Bartle  
15. SJR 20-Bartle  
16. SJR 33-Bartle  
17. SB 806-Bartle  
18. SJR 31-Scott  
19. SB 579-Shields, with SCS  
20. SB 621-Lager

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS, SS for SCS,  
SA 3 & SSA 1 for SA 3 (pending)

SBs 607, 602, 615 & 725-Stouffer, with  
SCS & SA 1 (pending)

## CONSENT CALENDAR

## Senate Bills

Reported 2/4

SB 753-Dempsey  
SB 669-Justus  
SB 668-Justus

SB 649-Days and Wright-Jones  
SB 804-Schmitt

Reported 2/11

SB 772-Scott, with SCS  
SB 773-Dempsey  
SB 771-Scott  
SB 758-Rupp and Keaveny  
SB 629-Dempsey  
SB 686-Rupp

SB 736-McKenna  
SB 767-Bartle  
SB 824-Clemens  
SB 687-Wright-Jones  
SB 716-Goodman

## RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1

To be Referred

SCR 47-Engler and Callahan

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTY-FIRST DAY—MONDAY, FEBRUARY 15, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crises. The great point is to bring them the real facts.” (Abraham Lincoln)

Gracious God, as we begin another busy week we pray that we will continue to invite the people into our discussion, to learn from them and help them see the real facts which we have to deal. As we celebrate this Presidents’ Day help us to continue to learn from the wisdom of those who have gone before us and learning from history not make repeated mistakes but venture into new possibilities based on learned realities. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 11, 2010 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Champion—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Days offered Senate Resolution No. 1627, regarding Patti LaBelle, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1628, regarding Abigail Noelke, Washington, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1629, regarding Jordan Klein, Wildwood, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1630, regarding Sarah Peats, Washington, which was adopted.

Senator Crowell offered Senate Resolution No. 1631, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Robert Aufdenberg, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1632, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Don Hanscom, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1633, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Sullinger, Chaffee, which was adopted.

Senator Barnitz offered Senate Resolution No. 1634, regarding the River Trails District of the Ozark Trails Council, which was adopted.

Senator Bartle offered Senate Resolution No. 1635, regarding Alexander David Wood, Lee's Summit, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1636, regarding Matthew Karr, Hannibal, which was adopted.

Senator Pearce offered Senate Resolution No. 1637, regarding Jan Smith, Warrensburg, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1638, regarding Devon Mark Goforth, St. Clair, which was adopted.

Senator Engler offered Senate Resolution No. 1639, regarding the 2009 District Champion East Carter R-II High School softball program, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Shields offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 48**

WHEREAS, the Council of State Governments is a nonpartisan, nonprofit organization which forecasts policy trends for the community of states, commonwealths, and territories on a national and regional basis; and

WHEREAS, the Council of State Governments serves executive, judicial, and legislative branches of state government through leadership education, research, and information services; and

WHEREAS, the Council of State Governments currently comprises four regions, including the Eastern Region, Midwestern Region, Southern Region, and Western Region; and

WHEREAS, the state of Missouri is currently a member of the Southern Region of the Council of State Governments; and

WHEREAS, the council's unique structure focuses on the needs and special concerns of the four regions of the United States; and

WHEREAS, as a member of the Southern Region of the Council of State Governments, the state of Missouri has been honored to work

with the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia; and

WHEREAS, since the state of Missouri is physically located in the center of the United States in the region commonly known as the “Midwest”, it would be more appropriate for the state to be a member of the Midwestern Region of the Council of State Governments:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby petition the Council of State Governments to remove the State of Missouri's membership from the Southern Region of the Council and place this state's membership into the Midwestern Council of State Governments; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Mike Rounds of North Dakota, President of the Council of State Governments; Senator David L. Williams of Kentucky, Chair of the Council of State Governments; Colleen Cousineau, Executive Director of the Southern Legislative Conference of the Council of State Governments; and Michael H. McCabe, Director of the Midwestern Region of the Council of State Governments.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 939**—By Barnitz and Mayer.

An Act to repeal section 173.1003, RSMo, and to enact in lieu thereof one new section relating to the consumer price index used to measure tuition rates for public institutions for higher education.

**SB 940**—By Pearce.

An Act to repeal sections 313.010, 313.015, 313.040, 313.045, 313.050, and 313.057, RSMo, and to enact in lieu thereof six new sections relating to bingo, with penalty provisions.

**SB 941**—By Clemens.

An Act to repeal sections 306.109, 306.127, and 306.903, RSMo, and to enact in lieu thereof three new sections relating to watercraft regulations, with penalty provisions.

**SB 942**—By Rupp.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to research park annexation.

**SB 943**—By Shields.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to state funding for elementary and secondary education.

**SB 944**—By Shields.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a state and local sales tax exemption for gratuities.

**SB 945**—By Bray.

An Act to repeal section 630.220, RSMo, and to enact in lieu thereof one new section relating to court actions by the department of mental health.

**SB 946**—By Bray, Days, Wright-Jones and Justus.

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

Senator Griesheimer assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

At the request of Senator Crowell, **SB 738**, with **SCS**, was placed on the Informal Calendar. Senator Callahan moved that **SB 596**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 596**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 596**

An Act to amend chapter 99, RSMo, by adding thereto six new sections relating to show-me small business districts, with a contingent effective date.

Was taken up.

Senator Callahan moved that **SCS** for **SB 596** be adopted.

At the request of Senator Callahan, **SB 596**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Callahan moved that **SJR 22** be taken up for perfection, which motion prevailed.

At the request of Senator Callahan, **SJR 22** was placed on the Informal Calendar.

At the request of Senator Wright-Jones, **SB 839**, with **SCS**, was placed on the Informal Calendar.

Senator Shields moved that **SB 644**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 644**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 644**

An Act to repeal sections 67.1000, 67.1361, and 70.220, RSMo, and to enact in lieu thereof three new sections relating to taxes to fund tourism and convention centers.

Was taken up.

Senator Shields moved that **SCS** for **SB 644** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 644** was declared perfected and ordered printed.

Senator Nodler moved that **SB 588**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 588**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 588**

An Act to repeal sections 137.180 and 137.355, RSMo, and to enact in lieu thereof two new sections relating to projected property tax liability notices for certain counties.

Was taken up.

Senator Nodler moved that **SCS** for **SB 588** be adopted.

Senator Nodler offered **SS** for **SCS** for **SB 588**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 588

An Act to repeal sections 137.180 and 137.355, RSMo, and to enact in lieu thereof two new sections relating to projected property tax liability notices for certain counties.

Senator Nodler moved that **SS** for **SCS** for **SB 588** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **SB 588** was declared perfected and ordered printed.

Senator Shields moved that **SB 578** be taken up for perfection, which motion prevailed.

Senator Shields offered **SS** for **SB 578**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 578

An Act to repeal sections 68.025, 68.035, 68.040, and 68.070, RSMo, and to enact in lieu thereof eighteen new sections relating to port authorities.

Senator Shields moved that **SS** for **SB 578** be adopted.

Senator Ridgeway offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 578, Page 31, Section 68.255, Line 23 of said page, by inserting immediately after said line the following:

**“68.259. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 68.025, 68.035, 68.040, 68.057, 68.070, 68.200, 68.205, 68.210, 68.215, 68.220, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, 68.255, and 68.260 as contained in this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of sections 68.025, 68.035, 68.040, 68.057, 68.070, 68.200, 68.205, 68.210, 68.215, 68.220, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, 68.255, and 68.260 as contained in this act.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 578, Page 16, Section 68.210, Line 18 of said page, by inserting after all of said line the following:

**“3. Notwithstanding the provisions of sections 68.200 to 68.260 to the contrary, a port authority located within any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants shall not have the authority to establish any port improvement district within its port district boundaries.”.**

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SB 578**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SB 578**, as amended, was declared perfected and ordered printed. Senator Dempsey assumed the Chair.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 38**.

#### **HOUSE CONCURRENT RESOLUTION NO. 38**

Whereas, unfunded federal mandates place unreasonable demands on limited state resources; and

Whereas, the federal government has continuously exhibited a lack of understanding and regard to states who are required by their respective constitutions to balance spending with resources; and

Whereas, the continuous imposition of these mandates will place the State of Missouri in a position of either funding federal requirements with limited resources, thus causing reductions to other state services, or they will impede the state from drawing down federal funds for currently enacted programs:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby urgently request the United States Congress to cease and desist from imposing continuous unfunded mandates on states; and

Be it further resolved that the General Assembly urgently requests that the Governor of the State of Missouri and the Missouri Congressional delegation resist continued funding requirements for the Missouri budget; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President Barack Obama, Vice President Joe Biden, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, Governor Jay Nixon, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1497**, entitled:

An Act to repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 105.030, 105.040, and 105.050, RSMo, and to enact in lieu thereof nine new sections relating to vacancies in certain statewide offices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 580**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Shields referred **SS** for **SCS** for **SB 580** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Shields referred **SCR 47** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **SENATE BILLS FOR PERFECTION**

Senator Griesheimer moved that **SB 581** be taken up for perfection, which motion prevailed.

On motion of Senator Griesheimer, **SB 581** was declared perfected and ordered printed.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 1442**—Ways and Means.

**HCS** for **HB 1540**—Judiciary and Civil and Criminal Jurisprudence.

### **COMMUNICATIONS**

Senator Crowell submitted the following:

February 15, 2010

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building – Room 325  
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

**SB629** - Establishes the Missouri Healthy Workplace Recognition Program;

**SB686** - Allows each party to an appeal before the state tax commission one change of hearing officer;

**SB687** - Requires official motor vehicle inspection and emission stations to have liability insurance to cover any possible damages to a vehicle during an inspection;

**SB716** - Allows the Department of Revenue to issue special event motor vehicle licenses to applicants auctioning certain vehicles;

**SB736** - Modifies provisions of law regarding the collection of taxes;

**SB758** - Requires notes, bonds, and other instruments in writing issued by the bi-state development agency to mature not more than forty years from the date of issuance, rather than thirty years;

**SB767** - Removes the restriction on certain counties using a court fee for courtroom renovation and technology;

**SB773** - Allows owners of automated teller machines to charge access fees to those with bank accounts in foreign countries;

**SB824** - Authorizes the state veterinarian to restrict the movement of animals or birds under investigation for carrying a toxin

Thank you.

Sincerely,  
/s/ Jason G. Crowell  
Jason G. Crowell  
State Senator

### **INTRODUCTIONS OF GUESTS**

Senator Vogel introduced to the Senate, Zachary Jones, Jefferson City; and Zachary was made an honorary page.

Senator Goodman introduced to the Senate, his son, Jack Elliott Goodman, Mt. Vernon; and Jack Elliott was made an honorary page.

Senator Lembke introduced to the Senate, Scout Leader Mark Goforth and Eagle Scouts Nick Martin and Devon Goforth, Troop 721, Gravois Trail District; and Beth and Mark Wilding, St. Louis.

Senator Wright-Jones introduced to the Senate, Mayor Francis Slay and former State Senator Maida Coleman, St. Louis; and Women of Delta Sigma Theta Sorority, Inc.

Senator Stouffer introduced to the Senate, representatives of 4-H Legislative Academy.

Senator Scott introduced to the Senate, his grandson, Landon Scott, Columbia; and Landon was made an honorary page.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

TWENTY-SECOND DAY—TUESDAY, FEBRUARY 16, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 934-Griesheimer	SB 941-Clemens
SB 935-Griesheimer	SB 942-Rupp
SB 936-Pearce	SB 943-Shields
SB 937-Justus	SB 944-Shields
SB 938-Justus	SB 945-Bray
SB 939-Barnitz and Mayer	SB 946-Bray, et al
SB 940-Pearce	

### HOUSE BILLS ON SECOND READING

HCS for HB 1377	HCS for HB 1497
-----------------	-----------------

### THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)	SS for SCS for SB 580-Griesheimer (In Fiscal Oversight)
---	--

### SENATE BILLS FOR PERFECTION

1. SB 670-Justus	2. SB 594-Days, with SCS
------------------	--------------------------



- |                             |                              |
|-----------------------------|------------------------------|
| 3. SB 693-Wilson            | 8. SJR 33-Bartle             |
| 4. SB 627-Justus            | 9. SB 806-Bartle             |
| 5. SB 616-Goodman, with SCS | 10. SJR 31-Scott             |
| 6. SB 779-Bartle            | 11. SB 579-Shields, with SCS |
| 7. SJR 20-Bartle            | 12. SB 621-Lager             |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |  |                               |
|--|-------------------------------|
| SB 577-Shields, with SCS, SS for SCS,<br>SA 3 & SSA 1 for SA 3 (pending) | SB 738-Crowell, with SCS      |
| SB 596-Callahan, with SCS (pending)                                      | SB 839-Wright-Jones, with SCS |
| SBs 607, 602, 615 & 725-Stouffer, with<br>SCS & SA 1 (pending)           | SJR 22-Callahan               |

CONSENT CALENDAR

Senate Bills

Reported 2/4

- |                |                              |
|----------------|------------------------------|
| SB 753-Dempsey | SB 649-Days and Wright-Jones |
| SB 669-Justus  | SB 804-Schmitt               |
| SB 668-Justus  |                              |

Reported 2/11

- |                        |              |
|------------------------|--------------|
| SB 772-Scott, with SCS | SB 771-Scott |
|------------------------|--------------|

RESOLUTIONS

Reported from Committee

- SCR 42-Bray, with SCA 1

To be Referred

- |                |                    |
|----------------|--------------------|
| SCR 48-Shields | HCR 38-Icet, et al |
|----------------|--------------------|

# Journal of the Senate

## SECOND REGULAR SESSION

---

### TWENTY-SECOND DAY—TUESDAY, FEBRUARY 16, 2010

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Confidence...thrives only on honesty, on honor, on the sacredness of obligation, on faithful performance. Without them, it cannot live.”  
(Franklin D. Roosevelt)

Heavenly Father, we pray for this type of confidence that reminds us that what we are called to do here is a sacred obligation to which we must be responsible in fulfilling. So we pray that You will assist us to learn all we must, to do the best that we are capable of doing and to do so with an honest integrity that assure our people that what we do here is for the benefit of the people we serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers with 4-H University Extension were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Champion—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Shoemyer offered Senate Resolution No. 1640, regarding Clemens Field, Hannibal, which was adopted.

Senator Nodler offered Senate Resolution No. 1641, regarding McCune Brooks Regional Hospital, Carthage, which was adopted.

Senator Lager offered Senate Resolution No. 1642, regarding the Northwest Missouri State University Bearcats cheerleading team, which was adopted.

Senator Bray offered Senate Resolution No. 1643, regarding Boy Scout Troop 11, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 1644, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Fred Maize, Union Star, which was adopted.

Senator Vogel offered Senate Resolution No. 1645, regarding Jason Thomas Bangert, which was adopted.

Senator Vogel offered Senate Resolution No. 1646, regarding Ryan Bopp, which was adopted.

Senator Nodler offered Senate Resolution No. 1647, regarding the Boy Scouts of America Ozark Trails Council and the Nih-Ka-Ga-Hah District, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Wright-Jones offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 49**

WHEREAS, employers in Missouri cut sixty-two thousand six hundred payroll positions in 2009; and

WHEREAS, from December 2008 to December 2009, the unemployment rate in Missouri grew from seven and one-tenth percent to nine and six-tenths percent; and

WHEREAS, Missouri has an uninsured rate of approximately eighteen percent; and

WHEREAS, approximately sixty-five thousand Missourians lost health insurance in 2009 due to the rise in unemployment; and

WHEREAS, currently there are approximately fourteen thousand homeless children in Missouri, and the number of homeless people in Missouri is growing; and

WHEREAS, the safety net of services for Missouri's most vulnerable citizens who are hungry, homeless, ill, or at-risk is imperiled by funding cuts and a reduced charitable-giving base; and

WHEREAS, Missouri is facing a projected budget gap for fiscal year 2012 of 1.2 billion dollars; and

WHEREAS, for fiscal year 2011, Missouri is using 1.2 billion dollars in federal stabilization funds to fill budget shortfalls; and

WHEREAS, Missouri's revenues dropped approximately fifteen percent from 2008 to 2010; and

WHEREAS, since the 2009 legislative session, over one billion dollars has been cut from Missouri's budget; and

WHEREAS, further budget cuts will only deter consumer demand, discourage private industry activity, lead to higher unemployment, and hamper overall economic growth; and

WHEREAS, workers across the state face the dire prospect of job loss during a time of economic uncertainty:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby request that the President of the United States and the United States Congress take proactive steps to create jobs and enact fiscal relief for state and local governments to foster growth, avoid further budget catastrophe, ensure that states perform the core functions that all American families deserve and deliver jobs to Americans on main street; and

BE IT FURTHER RESOLVED that any job creation and state fiscal relief plan should include extending the federal medical assistance

payments or “federal match” increase for medicaid, provide additional support for education, boost funding for infrastructure projects and public transportation investments, support the long-term unemployed to sustain them until they reenter the workforce, and provide direct financial assistance to state and local governments so that they may provide the vital services needed to maintain growth in local communities across the nation; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of Missouri's congressional delegation.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 947**—By Dempsey.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to telecommunications service cancellation.

**SB 948**—By Crowell.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to an individual's participation in a health care system or plan.

**SB 949**—By Crowell.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state funding for elementary and secondary education, with an emergency clause.

**SB 950**—By Bray.

An Act to repeal sections 103.003, 103.005, and 103.036, RSMo, and to enact in lieu thereof three new sections relating to the inclusion of small employers in the state health care plan.

**SB 951**—By Wright-Jones.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to state legal expense fund coverage for certain medical consultants.

**SB 952**—By Wright-Jones.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to environmentally sustainable construction for state-funded buildings.

**SB 953**—By Wright-Jones.

An Act to repeal section 332.011, RSMo, and to enact in lieu thereof two new sections relating to dental assistants and dental hygienists.

### **SENATE BILLS FOR PERFECTION**

Senator Justus moved that **SB 670** be taken up for perfection, which motion prevailed.

On motion of Senator Justus, **SB 670** was declared perfected and ordered printed.

Senator Days moved that **SB 594**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 594**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 594

An Act to repeal sections 193.125 and 193.255, RSMo, and to enact in lieu thereof four new sections relating to adoption records.

Was taken up.

Senator Days moved that **SCS** for **SB 594** be adopted.

Senator Days offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 594, Page 4, Section 193.128, Line 40, by inserting immediately after “telephone” the following: “**or United States mail**”; and

Further amend said bill, page 7, section 193.255, line 15, by inserting immediately after the word “The” as it appears the first time in said line the following: “**state**”.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 594, Page 8, Section 193.255, Line 63, by inserting after all of said line the following:

“453.170. 1. When an adoption occurs pursuant to the laws of other states of the United States, Missouri shall, from the date of adoption hold the adopted person to be for every purpose the lawful child of its parent or parents by adoption as fully as though born to them in lawful wedlock, and such adoption shall have the same force and effect as adoption pursuant to the provisions of this chapter, including all inheritance rights.

2. When an adoption occurs in a foreign country and the adopted child has migrated to the United States with the permission of the United States Department of Justice and the United States Department of Immigration and Naturalization Services, this state shall recognize the adoption. The department of health and senior services, upon receipt of proof of adoption as required in subsection [7] **9** of section 193.125, RSMo, shall issue a birth certificate for the adopted child upon request on forms prescribed and furnished by the state registrar pursuant to section 193.125, RSMo.

3. The adoptive parent or parents may petition the court pursuant to this section to request a change of name. The petition shall include a certified copy of the decree of adoption issued by the foreign country and documentation from the United States Department of Justice and the United States Department of Immigration and Naturalization Services which shows the child lawfully entered the United States. The court shall recognize and give effect to the decree of the foreign country and grant a decree of recognition of the adoption and shall change the name of the adopted child to the name given by the adoptive parent, if such a request has been made.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Days moved that **SCS** for **SB 594**, as amended, be adopted, which motion prevailed.

On motion of Senator Days, **SCS** for **SB 594**, as amended, was declared perfected and ordered printed.

Senator Bartle assumed the Chair.

Senator Wilson moved that **SB 693** be taken up for perfection, which motion prevailed.

At the request of Senator Wilson, **SB 693** was placed on the Informal Calendar.

Senator Justus moved that **SB 627** be taken up for perfection, which motion prevailed.

On motion of Senator Justus, **SB 627** was declared perfected and ordered printed.

Senator Goodman moved that **SB 616**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 616**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 616

An Act to amend chapters 376 and 538, RSMo, by adding thereto two new sections relating to faith-based community health centers.

Was taken up.

Senator Goodman moved that **SCS** for **SB 616** be adopted.

Senator Callahan assumed the Chair.

Senator Goodman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 616, Page 1, Section 376.1745, Line 15, by inserting immediately after the word “medical” the following: “**or osteopathic**”; and

Further amend said bill and section, page 2, line 24, by inserting immediately after the word “medical” the following: “**or osteopathic**”; and further amend line 25, by inserting immediately after the word “Association” the following: “**or the Missouri Association of Osteopathic Physicians and Surgeons**”.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 616, Page 2, Section 538.315, Line 10, by striking the word “faith-based” and further amend said bill and section, page 3, line 18, by striking the word “faith-based”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 616, Page 1, In the Title, Line 3, by striking the word “faith-based”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 616, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“376.1226. 1. No contract between a health carrier or health benefit plan and a dentist for the provision of dental services under a dental plan shall require that the dentist provide dental services to insureds in the dental plan at a fee established by the health carrier or health benefit plan if such dental services are not covered services under the dental plan.**

**2. For purposes of this section, the following terms shall mean:**

**(1) “Covered services”, services reimbursable under an applicable dental plan, subject to such contractual limitations on benefits as may apply, including but not limited to deductibles, waiting periods, or frequency limitations;**

**(2) “Dental plan”, any policy or contract of insurance which provides for coverage of dental services;**

**(3) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;**

**(4) “Health carrier”, the same meaning as such term is defined in section 376.1350.”; and**

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Goodman raised the point of order that **SA 4** is out of order as it goes beyond the subject matter and title of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

**SA 4** was again taken up.

Senator Lager moved that the above amendment be adopted, which motion failed.

Senator Goodman moved that **SCS** for **SB 616**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 616**, as amended, was declared perfected and ordered printed.

Senator Wilson moved that **SB 693** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 693, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“37.710. 1. The office of the child advocate shall have access to the following information:**

**(1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children’s division, the department of mental health, and the juvenile court;**

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211, RSMo.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, **child care providers, health care providers, educational institutions**, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;

(3) To work in conjunction with juvenile officers and guardians ad litem. **Upon making an appearance in any court on the case of a child in the protective custody of the state, the office of the child advocate shall be joined by the court as a party to all proceedings and shall prepare independent recommendations to the court after consultation with the juvenile office and guardians ad litem;**

(4) To file amicus curiae briefs on behalf of the interests of the parent or child, **or to file such pleadings necessary to intervene on behalf of the child at the appropriate judicial level utilizing the resources of the office of the attorney general;**

(5) To [initiate] **convene** meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers **and make recommendations to them for necessary action;**

(6) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted;

(7) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest; and

(8) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner.

3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report **with the exception that any findings and recommendations resulting from such investigation may be released upon request with names and other such identifying information redacted.**

37.715. 1. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of children who are recipients of the services of the



departments of social services and mental health, and the juvenile court. Such procedures shall address complaints relating to the actions, inactions, or decisions of providers or their representatives, public or private child welfare agencies, social service agencies, or the courts which may adversely affect the health, safety, welfare, or rights of such recipient.

2. The office shall establish and implement procedures for the handling and[, whenever possible,] the resolution of complaints.

3. The office shall have the authority to make the necessary inquiries and review relevant information and records as the office deems necessary.

4. The office may recommend to any state or local agency changes in the rules adopted or proposed by such state or local agency which adversely affect or may adversely affect the health, safety, welfare, or civil or human rights of any recipient. The office shall make recommendations on changes to any current policies and procedures. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to services in the state and shall recommend to the department, courts, general assembly, and governor changes in such laws, regulations and policies deemed by the office to be appropriate.

**5. The office shall, at its discretion, seek to be joined as a party to the case of a child or children in the state's custody, when the office feels that such action is necessary to ensure the health, safety, welfare, or civil or human rights of the child. Such requests shall be honored by the court with the jurisdiction in the case.**

6. The office shall inform recipients, their guardians or their families of their rights and entitlements under state and federal laws and regulations through the distribution of educational materials.

[6.] 7. The office shall annually submit to the governor, the general assembly, and the Missouri supreme court a detailed report on the work of the office of the child advocate for children's protection and services. Such report shall include, but not be limited to, the number of complaints received by the office, the disposition of such complaints **including the number of complaints in which the office needed to take legal action to protect children**, the number of recipients involved in complaints, the state entities named in complaints and whether such complaints were found to be substantiated, and any recommendations for improving the delivery of services to reduce complaints or improving the function of the office of the child advocate for children's protection and services."; and

Further amend said bill, page 2, section 143.1015, line 42 by inserting after all of said line the following:

"210.566. 1. (1) The children's division and its contractors, recognizing that foster parents are not clients but rather are colleagues in the child welfare team, shall treat foster parents in a manner consistent with the National Association of Social Workers' ethical standards of conduct as described in its Social Workers' Ethical Responsibilities to Colleagues. Foster parents shall treat the children in their care, the child's birth family and members of the child welfare team in a manner consistent with their ethical responsibilities as professional team members.

(2) The children's division and its contractors shall provide written notification of the rights enumerated in this section at the time of initial licensure and at the time of each licensure renewal following the initial licensure period.

2. (1) The children's division and its contractors shall provide foster parents with regularly scheduled opportunities for preservice training, and regularly scheduled opportunities for pertinent inservice training, as determined by the Missouri State Foster Care and Adoption Advisory Board.

(2) The children's division and its contractors shall provide to foster parents and potential adoptive parents, prior to placement, all pertinent information, including but not limited to full disclosure of all medical, psychological, and psychiatric conditions of the child, as well as information from previous placements that would indicate that the child or children may have a propensity to cause violence to any member of the foster family home. The foster parents shall be provided with any information regarding the child or the child's family, including but not limited to the case plan, any family history of mental or physical illness, sexual abuse of the child or sexual abuse perpetrated by the child, criminal background of the child or the child's family, fire-setting or other destructive behavior by the child, substance abuse by the child or child's family, or any other information which is pertinent to the care and needs of the child and to protect the foster or adoptive family. Knowingly providing false or misleading information to foster parents in order to secure placement shall be denoted in the caseworker's personnel file and shall be kept on record by the division.

(3) The children's division and its contractors shall arrange preplacement visits, except in emergencies.

(4) The foster parents may ask questions about the child's case plan, encourage a placement or refuse a placement without reprisal from the caseworker or agency. After a placement, the children's division and its contractors shall update the foster parents as new information about the child is gathered.

(5) Foster parents shall be informed in a timely manner by the children's division and its contractors of all team meetings and staffings concerning their licensure status or children placed in their homes, and shall be allowed to participate, consistent with section 210.761.

(6) The children's division and its contractors shall establish reasonably accessible respite care for children in foster care for short periods of time, jointly determined by foster parents and the child's caseworker pursuant to section 210.545. Foster parents shall follow all procedures established by the children's division and its contractors for requesting and using respite care.

(7) Foster parents shall treat all information received from the children's division and its contractors about the child and the child's family as confidential. Information necessary for the medical or psychiatric care of the child may be provided to the appropriate practitioners. Foster parents may share information necessary with school personnel in order to secure a safe and appropriate education for the child. Additionally, foster parents shall share information they may learn about the child and the child's family, and concerns that arise in the care of the child, with the caseworker and other members of the child welfare team. Recognizing that placement changes are difficult for children, foster parents shall seek all necessary information, and participate in preplacement visits whenever possible, before deciding whether to accept a child for placement.

3. (1) Foster parents shall make decisions about the daily living concerns of the child, and shall be permitted to continue the practice of their own family values and routines while respecting the child's cultural heritage. All discipline shall be consistent with state laws and regulations. The children's division shall allow foster parents to help plan visitation between the child and the child's siblings or biological family. Visitations should be scheduled at a time that meets the needs of the child, the biological family members, and the foster family whenever possible. Recognizing that visitation with family members is an important right of children in foster care, foster parents shall be flexible and cooperative with regard to family visits.

(2) Foster parents shall provide care that is respectful of the child's cultural identity and needs. Recognizing that cultural competence can be learned, the children's division and their contractors shall provide foster parents with training that specifically addresses cultural needs of children, including but not limited to, information on skin and hair care, information on any specific religious or cultural practices of the child's biological family, and referrals to community resources for ongoing education and support.

(3) Foster parents shall recognize that the purpose of discipline is to teach and direct the behavior of the child, and ensure that it is administered in a humane and sensitive manner. Foster parents shall use discipline methods which are consistent with children's division policy.

4. (1) Consistent with state laws and regulations, the children's division and its contractors shall provide, upon request by the foster parents, information about a child's progress after the child leaves foster care.

(2) Except in emergencies, foster parents shall be given two weeks advance notice and a written statement of the reasons before a child is removed from their care. When requesting removal of a child from their home, foster parents shall give two weeks advance notice, consistent with division policy, to the child's caseworker, except in emergency situations.

(3) Recognizing the critical nature of attachment for children, if a child reenters the foster care system and is not placed in a relative home, the child's former foster parents shall be given first consideration for placement of the child.

**(4) Recognizing the critical nature of sibling bonds for children, the children's division shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the children's division shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-being.**

(5) If a child becomes free for adoption while in foster care, the child's foster family shall be given preferential consideration as adoptive parents consistent with section 453.070, RSMo.

~~[(5)]~~ (6) If a foster child becomes free for adoption and the foster parents desire to adopt the child, they shall inform the caseworker within sixty days of the caseworker's initial query. If they do not choose to pursue adoption, foster parents shall make every effort to support and encourage the child's placement in a permanent home, including but not limited to providing information on the history and care needs of the child and accommodating transitional visitation.

5. Foster parents shall be informed by the court no later than two weeks prior to all court hearings pertaining to a child in their care, and informed of their right to attend and participate, consistent with section 211.464, RSMo.

6. The children's division and their contractors shall provide access to a fair and impartial grievance process to address licensure, case management decisions, and delivery of service issues. Foster parents shall have timely access to the child placement agency's appeals process, and shall be free from acts of retaliation when exercising the right to appeal.

7. The children's division and their contractors shall provide training to foster parents on the policies and procedures governing the licensure of foster homes, the provision of foster care, and the adoption process. Foster parents shall, upon request, be provided with written documentation of the policies of the

children's division and their contractors. Per licensure requirements, foster parents shall comply with the policies of the child placement agency.

8. For purposes of this section, "foster parent" means a resource family providing care of children in state custody.

**210.617. 1. There is hereby created within the department of social services the "Missouri State Foster Care and Adoption Board", which shall provide consultation and assistance to the department and shall draft and provide an independent review of the children's division policies and procedures related to the provision of foster care and adoption in Missouri. Additionally, the board shall determine the nature and content of in-service training which shall be provided to foster and adoptive parents in order to improve the provision of foster care and adoption services to children statewide consistent with section 210.566. The board shall be comprised of foster and adoptive parents as follows:**

**(1) Two members from each of the seven children's division areas within the department of social services delineated as follows:**

- (a) The northwest region;**
- (b) The northeast region;**
- (c) The southeast region;**
- (d) The southwest region;**
- (e) The Kansas City region;**
- (f) The St. Louis area region;**
- (g) The St. Louis City region;**

**(2) Area members shall be appointed by the governor, with the advice and consent of the senate, based upon recommendations by regional foster care and adoption boards, or other similar entities.**

**2. Statewide foster care and adoption association representatives shall be voting members of the board as approved by the board.**

**3. All members of the board shall serve for a term of at least two years. Members may be re-appointed to the board by their entities for consecutive terms. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner in which the board membership which is vacant was originally filled.**

**4. Each member of the board may be reimbursed for actual and necessary expenses incurred by the member in performance of his or her official duties. All reimbursements made under this subsection shall be made from funds within the department of social services' children's division budget.**

**5. All business transactions of the board shall be conducted in public meetings in accordance with sections 610.010 to 610.030.**

**6. The board shall elect officers from the membership consisting of a chairperson, co-chairperson, and secretary. Officers shall serve for a term of two years. The board may elect such other officers and establish such committees as it deems appropriate.**

**7. The board shall establish such procedures necessary to:**

(1) Review children's division proposed policy and provide written responses to the children's division indicating approval or notifying the children's division of the board's disapproval and provide recommendations for change within thirty days of receipt of the proposed policy;

(2) Provide draft policy suggestions, at the request of the children's division or in response to issues by the board, to the children's division for improvements in foster care or adoption practice; and

(3) Fulfill its statutory requirement in accordance with section 210.566 to determine the content of in-service training to be provided by the children's division to foster and adoptive parents.

8. The board shall provide to the director of the department of social services, the governor, the office of the child advocate, and upon request, members of the general assembly, a written report of annual activities conducted and made.

9. The board shall exercise its powers and duties independently of the children's division within the department of social services in order to ensure partnership and accountability in the provision of services to the state's children affected by abuse and neglect. Budgetary, procurement, and accounting functions shall continue to be performed by the children's division."; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

Senator Barnitz offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 693, Page 2, Section 37.710, Line 11, by inserting after the word "litem" the following: "**and the court appointed special advocate if one has been appointed**".

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wilson, **SB 693**, as amended, was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 578**; **SB 581**; **SS** for **SCS** for **SB 588**; and **SCS** for **SB 644**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**SENATE BILLS FOR PERFECTION**

Senator Bartle moved that **SB 779** be taken up for perfection, which motion prevailed.

Senator Bartle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 779, Page 2, Section 488.5050, Line 34, by inserting after all of said line the following:

“556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible sodomy, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

(1) For any felony, three years, except as provided in subdivision (4) of this subsection;

(2) For any misdemeanor, one year;

(3) For any infraction, six months;

(4) For any violation of section 569.040, RSMo, when classified as a class B felony, or any violation of section 569.050 or 569.055, RSMo, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term “person who has a legal duty to represent an aggrieved party” shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant to sections 407.511 to 407.556, RSMo; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020, RSMo;

**(5) During any period of time after a DNA profile is developed from evidence collected in relation to the commission of an offense, but before the time when the accused is identified by name based upon a match between that DNA evidence profile and the known DNA profile of the accused. For purposes of this section, the term “DNA profile” means the collective results of the DNA analyses of a sample.”; and**

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

At the request of Senator Bartle, **SB 779**, with **SA 1** (pending), was placed on the Informal Calendar.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 627**; **SB 670**; and **SCS** for **SB 594**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Shields referred **SCR 48** and **HCR 38** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Engler, the Senate recessed until 2:45 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 616**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCR 18**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 34**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jack Baker, Democrat, Rural Route # 1 Box 259, Butler, Bates County, Missouri 64730, as a member of the Air Conservation Commission, for a term ending October 14, 2013, and until his successor is duly appointed and qualified; vice, Jack Baker, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jerome Wallach, Democrat, 1280 Dry Ridge Road, Saint Louis, Saint Louis County, Missouri 63131, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2014, and until his successor is duly appointed and qualified; vice, Rodney J. Boyd, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David Zimmermann, Democrat, #5 River Cove, Crystal City, Jefferson County, Missouri 63019, as a member of the Air Conservation Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, David Zimmermann, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.



**REFERRALS**

President Pro Tem Shields referred **SB 627** to the Committee on Governmental Accountability and Fiscal Oversight.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 693**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**INTRODUCTIONS OF GUESTS**

On behalf of himself and Senator Crowell, the President introduced to the Senate, Jim and Renate Deblois, Cape Girardeau.

Senator Cunningham introduced to the Senate, members of the Missouri Society of Anesthesiologists.

Senator Schmitt introduced to the Senate, Nicholas Simmons, Kirkwood; and Joe Forand, Grantwood Village.

Senator Schmitt introduced to the Senate, David and Becky Schulze, their children, Christopher, Nicholas and Cameron, and Darla Templeton, Kirkwood.

Senator Mayer introduced to the Senate, Ben Counce, Corey Miller and eighth grade students from Caruthersville Middle School; and Connor Akins, Tyler Grissom, Ethan Marshall, Joey Middleton and Diedra Motton were made honorary pages.

Senator Schaefer introduced to the Senate, members of the Missouri Association of Prosecuting Attorneys.

Senator Clemens introduced to the Senate, State FFA Officers from around the state.

Senator Scott introduced to the Senate, Aaron Fisher and Travis DeMoss, Sedalia.

Senator Justus introduced to the Senate, George Helmkamp and Elizabeth Bejan, Kansas City.

On motion of Senator Engler, the Senate adjourned under the rules.

**SENATE CALENDAR**  

---

TWENTY-THIRD DAY–WEDNESDAY, FEBRUARY 17, 2010

---

**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 934-Griesheimer

SB 935-Griesheimer

SB 936-Pearce  
SB 937-Justus  
SB 938-Justus  
SB 939-Barnitz and Mayer  
SB 940-Pearce  
SB 941-Clemens  
SB 942-Rupp  
SB 943-Shields  
SB 944-Shields

SB 945-Bray  
SB 946-Bray, et al  
SB 947-Dempsey  
SB 948-Crowell  
SB 949-Crowell  
SB 950-Bray  
SB 951-Wright-Jones  
SB 952-Wright-Jones  
SB 953-Wright-Jones

#### HOUSE BILLS ON SECOND READING

HCS for HB 1377

HCS for HB 1497

#### THIRD READING OF SENATE BILLS

1. SS for SB 618-Rupp (In Fiscal Oversight)
2. SS for SCS for SB 580-Griesheimer  
(In Fiscal Oversight)
3. SS for SB 578-Shields
4. SB 581-Griesheimer
5. SS for SCS for SB 588-Nodler

6. SCS for SB 644-Shields
7. SB 627-Justus (In Fiscal Oversight)
8. SB 670-Justus
9. SCS for SB 594-Days
10. SCS for SB 616-Goodman
11. SB 693-Wilson

#### SENATE BILLS FOR PERFECTION

SJR 20-Bartle  
SJR 33-Bartle  
SB 806-Bartle

SJR 31-Scott  
SB 579-Shields, with SCS  
SB 621-Lager

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS, SS for SCS, SA 3  
& SSA 1 for SA 3 (pending)  
SB 596-Callahan, with SCS (pending)  
SBs 607, 602, 615 & 725-Stouffer, with SCS  
& SA 1 (pending)

SB 738-Crowell, with SCS  
SB 779-Bartle, with SA 1 (pending)  
SB 839-Wright-Jones, with SCS  
SJR 22-Callahan

## CONSENT CALENDAR

## Senate Bills

## Reported 2/4

SB 753-Dempsey  
SB 669-Justus  
SB 668-Justus

SB 649-Days and Wright-Jones  
SB 804-Schmitt

## Reported 2/11

SB 772-Scott, with SCS

SB 771-Scott

## RESOLUTIONS

## Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18 (Rupp)

SCR 34-Lembke, et al

## To be Referred

SCR 49-Wright-Jones

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

### TWENTY-THIRD DAY—WEDNESDAY, FEBRUARY 17, 2010

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The best prayers are often more groans than words.” (John Bunyan)

Heavenly Father, we begin this journey the Christian world knows as Lent; it is a time for all human kind to look at their lives and see that they need Your help along difficult pathways that can lead us to disagreements with and wrongs to our brothers and sisters. So help us Lord to remember that Your word prescribes a way to handle differences that can bring peace and accord among us. And as Your spirit leads us through this time of reflection and hope help us do more good with our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Champion—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Cunningham offered Senate Resolution No. 1648, regarding Emily Mazzoni, Creve Coeur, which was adopted.

Senator Bartle offered Senate Resolution No. 1649, regarding Dolly Bolinger, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1650, regarding Sean Tebbe, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1651, regarding Anthony Alexander, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1652, regarding Jim Brown, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1653, regarding Erma Doty, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1654, regarding David Halphin, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1655, regarding Josh Drentlaw, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1656, regarding Eddie Saffell, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1657, regarding Dan Griessel, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1658, regarding Mary Strack, Grain Valley, which was adopted.

On behalf of Senator Champion, Senator Engler offered Senate Resolution No. 1659, regarding Lisa Slavens, Springfield, which was adopted.

Senator Schaefer offered Senate Resolution No. 1660, regarding the University of Missouri-Columbia Women's soccer team, which was adopted.

Senator Schaefer offered Senate Resolution No. 1661, regarding Mark Ellis, which was adopted.

Senator Schaefer offered Senate Resolution No. 1662, regarding the University of Missouri-Columbia softball team, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 954**—By Crowell.

An Act to repeal sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.1205, 100.286, 100.297, 100.850, 135.090, 135.305, 135.327, 135.352, 135.460, 135.484, 135.490, 135.535, 135.545, 135.546, 135.550,

135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.710, 135.750, 135.766, 135.967, 208.770, 253.550, 253.559, 320.093, 348.430, 348.432, 348.434, 348.505, 447.708, 620.495, 620.1039, 620.1881, and 660.055, RSMo, and to enact in lieu thereof forty-one new sections relating to the allocation of tax credits by appropriation, with penalty provisions and an expiration date for a certain section.

**SB 955**—By Wright-Jones and Bray.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to treatment of certain sexually transmitted diseases.

**SB 956**—By Keaveny.

An Act to repeal sections 160.053, 160.054, 160.055, 160.410, and 160.415, RSMo, and to enact in lieu thereof five new sections relating to charter schools.

**SB 957**—By Green.

An Act to amend chapters 393 and 643, RSMo, by adding thereto two new sections relating to combined heat and power.

**SB 958**—By Green.

An Act to repeal sections 643.020, 643.040, 643.050, 643.060, 643.080, 643.225, 643.232, 643.237, 643.240, 643.242, 643.245, 643.250, 643.253, 643.260, and 701.332, RSMo, and to enact in lieu thereof twelve new sections relating to asbestos, with penalty provisions.

**SB 959**—By Schmitt.

An Act to amend chapter 537, RSMo, by adding thereto six new sections relating to the Missouri false claims act.

**SB 960**—By Lembke.

An Act to repeal sections 8.190, 21.811, 21.840, 28.085, 30.220, 31.010, 33.065, 33.285, 33.571, 33.577, 34.065, 34.110, 34.130, 37.005, 42.121, 57.080, 57.130, 60.461, 67.2677, 71.240, 71.730, 71.750, 71.970, 94.030, 94.210, 95.365, 96.300, 96.310, 96.320, 96.330, 96.340, 96.350, 96.360, 96.370, 96.380, 99.799, 99.918, 99.1082, 105.140, 105.983, 115.177, 135.205, 135.207, 135.230, 135.431, 135.433, 135.530, 135.903, 135.953, 137.118, 137.286, 142.800, 142.815, 142.821, 143.171, 152.032, 165.016, 165.018, 170.250, 172.860, 173.005, 173.710, 173.715, 173.718, 173.721, 174.020, 174.266, 178.637, 178.930, 191.362, 192.010, 192.120, 192.255, 192.375, 195.060, 195.400, 195.405, 195.410, 195.415, 195.425, 196.180, 196.725, 196.730, 196.750, 196.755, 196.760, 196.765, 196.770, 196.775, 196.780, 196.785, 196.790, 196.795, 196.800, 196.805, 196.810, 197.305, 197.314, 197.317, 197.318, 197.366, 198.058, 198.087, 198.600, 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, 201.090, 207.023, 207.040, 207.050, 207.055, 208.344, 208.978, 210.002, 210.111, 210.292, 211.013, 211.015, 215.050, 215.263, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 217.860, 221.140, 237.200, 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010, 278.020, 278.030, 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 303.400, 303.403, 303.406, 303.409, 303.412, 303.415, 307.176, 307.367, 311.470, 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070, 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671, 376.990, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225, 454.010, 454.020, 454.030, 454.040, 454.050, 454.060, 454.070, 454.080, 454.090, 454.100, 454.105, 454.110, 454.120, 454.130,

454.140, 454.150, 454.160, 454.170, 454.180, 454.190, 454.200, 454.210, 454.220, 454.230, 454.240, 454.250, 454.260, 454.270, 454.275, 454.280, 454.290, 454.300, 454.310, 454.320, 454.330, 454.340, 454.350, 454.355, 454.360, 454.800, 454.802, 454.804, 454.806, 460.100, 460.250, 488.5345, 490.610, 537.675, 537.684, 620.010, 620.155, 620.156, 620.157, 620.158, 620.160, 620.161, 620.163, 620.164, 620.165, 620.170, 620.173, 620.174, 620.176, 620.515, 620.1023, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 644.054, 644.550, 644.551, and 660.018, RSMo, and section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof fifty-five new sections for the sole purpose of repealing expired, sunset, terminated, ineffective, or obsolete statutes, with penalty provisions and a contingent effective date for certain sections.

**SB 961**—By Lembke.

An Act to repeal section 32.125 as enacted by house substitute for senate bill no. 374, eighty-eighth general assembly, first regular session, section 52.315 as enacted by house committee substitute for senate committee substitute for senate bill no. 497, ninety-fourth general assembly, first regular session, section 67.281 as enacted by conference committee substitute for senate bill no. 513, ninety-fifth general assembly, first regular session, section 67.1305 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 210 merged with conference committee substitute for house committee substitute for senate substitute for senate bill no. 343, ninety-third general assembly, first regular session, section 91.055 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 115.348 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session, section 135.100 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session and section 135.100 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session and section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, section 141.550 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, section 171.035 as enacted by conference committee substitute for house committee substitute for senate bill no. 376, ninety-fourth general assembly, first regular session and section 171.035 as enacted by house committee substitute for house bill no. 678, ninety-fourth general assembly, first regular session, section 192.632 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session and section 192.632 as enacted by conference

committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 577, ninety-fourth general assembly, first regular session, section 217.777 as enacted by senate committee substitute for senate bill no. 430, eighty-ninth general assembly, first regular session, section 227.381 as enacted by house bill no. 1488, ninety-third general assembly, second regular session, section 228.362 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bill no. 180, eighty-seventh general assembly, first regular session, section 286.060 as enacted by senate committee substitute for house committee substitute for house bills nos. 300 & 95, eighty-eighth general assembly, first regular session, section 301.064 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session and section 301.064 as enacted by house bill no. 769, eighty-ninth general assembly, first regular session, section 301.630 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general assembly, second regular session, section 304.156 as enacted by senate committee substitute for house bill no. 996 and house bill no. 1142 and house committee substitute for house bill no. 1201 and house bill no. 1489, ninety-second general assembly, second regular session, section 304.678 as enacted by house committee substitute for senate committee substitute for senate bill no. 372, ninety-third general assembly, first regular session, section 321.701 as enacted by conference committee substitute no. 2 for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, section 321.714 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session, section 324.712 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 567, ninety-first general assembly, first regular session, section 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 335.067 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 361.170 as enacted by house committee substitute for house bill no. 379, ninety-third general assembly, first regular session, section 370.107 as enacted by senate bill no. 318, ninety-third general assembly, first regular session, section 376.1500 as enacted by senate substitute no. 2 for senate committee substitute for house committee substitute for house bill no. 818, ninety-fourth general assembly, first regular session, section 376.1516 as enacted by senate committee substitute for senate bill no. 66, ninety-fourth general assembly, first regular session, section 393.906 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 393.921 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, section 441.236 as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 89 & 37, ninety-first general assembly, first regular session, section 470.270 as enacted by conference committee substitute for house substitute for house committee substitute for senate substitute for senate bill no. 1248, ninety-first general assembly, second regular session, section 565.082 as enacted by conference committee



substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 62, ninety-fifth general assembly, first regular session, section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, section 644.031 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, and section 644.568 as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 & 82, ninetieth general assembly, first regular session, and to enact in lieu thereof three new sections for the sole purpose of repealing multiple versions of statutes.

### **SENATE BILLS FOR PERFECTION**

Senator Shields moved that **SB 577**, with **SCS**, **SS** for **SCS**, **SA 3** and **SSA 1** for **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SSA 1** for **SA 3** was again taken up.

At the request of Senator Griesheimer, the above substitute amendment was withdrawn.

**SA 3** was again taken up.

At the request of Senator Crowell, the above amendment was withdrawn.

Senator Crowell offered **SA 4**:

#### **SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 1, Section 21.033, Line 14 of said page, by inserting after all of said line the following:

“105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; or

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf

of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof.

2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest and best received.

**3. Within two years after leaving office, no member of the general assembly shall act, serve, or register as a legislative lobbyist as defined in section 105.470; act, serve, or be employed in any department of the state; or be appointed to any board, commission, or committee formed under the laws of this state.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Stouffer assumed the Chair.

Senator Ridgeway offered **SA 1 to SA 4**, which was read:

**SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 4**

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 3, Section 105.456, Line 25, by inserting after “assembly” the following:

**“serving in the second regular session of the ninety-fifth general assembly and all sessions thereafter,”.**

Senator Ridgeway moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bartle, Callahan, Lembke and Crowell.

**SA 1 to SA 4** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Crowell	Cunningham	Dempsey	Goodman	Lager	Lembke
Mayer	Purgason	Ridgeway	Rupp	Schmitt	Shoemyer	Stouffer—15	

NAYS—Senators

Bartle	Callahan	Clemens	Days	Engler	Green	Griesheimer	Justus
Keaveny	McKenna	Nodler	Pearce	Schaefer	Shields	Vogel	Wilson

Wright-Jones—17

Absent—Senators—None

Absent with leave—Senators

Champion      Scott—2

Vacancies—None

Senator Rupp offered **SA 2 to SA 4**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 3, Section 105.456, Line 27, by inserting after “state” the following:

**“with the exception of holding office as a publicly elected official”.**

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Engler announced that photographers from the Daily Journal were given permission to take pictures in the Senate Chamber today.

Senator Crowell offered **SA 3 to SA 4**, which was read:

SENATE AMENDMENT NO. 3 TO  
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 3, Section 105.456, Line 29 by inserting after the word “state” the following: **“in which the member shall receive compensation”.**

Senator Crowell moved that the above amendment be adopted, which motion failed.

Senator Lembke offered **SA 4 to SA 4**, which was read:

SENATE AMENDMENT NO. 4 TO  
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 3, Section 105.456, Line 27, by striking the words “any department of the state” and inserting in lieu thereof the following: **“the three departments of government as referenced in article II, section 1 of the Missouri constitution”.**

Senator Lembke moved that the above amendment be adopted.

At the request of Senator Shields, **SB 577**, with **SCS, SS** for **SCS, SA 4** and **SA 4** to **SA 4** (pending), was placed on the Informal Calendar.

Senator Bartle moved that **SJR 20** be taken up for perfection, which motion prevailed.

On motion of Senator Bartle, **SJR 20** was declared perfected and ordered printed.

Senator Bartle moved that **SJR 33** be taken up for perfection, which motion prevailed.

Senator Callahan offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 33, Page 1, Section 18(c), Line 7, by inserting immediately after all of said line the following “**In a case in which the Government intends to offer evidence under this provision, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.**”.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Bartle, **SJR 33**, with **SA 1** (pending), was placed on the Informal Calendar.

#### REFERRALS

President Pro Tem Shields referred **SCR 49** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

#### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SJR 20**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

#### RESOLUTIONS

On behalf of Senator Scott, Senator Engler offered Senate Resolution No. 1663, regarding Kelli Voris, Halfway, which was adopted.

On behalf of Senator Scott, Senator Engler offered Senate Resolution No. 1664, regarding Teresa Matthews, Macks Creek, which was adopted.

#### INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Lieutenant Colonel Chris D. Leljedal, and members of the University of Central Missouri “Fighting Mules Battalion” ROTC Detachment, Warrensburg.

Senator Ridgeway introduced to the Senate, Theresa Hubbard, Liberty; Stacie Cordell, Overland Park, Kansas; Ed and Bobbie Chasteen, Liberty; and Marsha Campbell, Kansas City.

Senator Ridgeway introduced to the Senate, Courtney Darr and Tessa Graybill, Smithville.

Senator Rupp introduced to the Senate, representatives of Vision Leadership, St. Charles County.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

TWENTY-FOURTH DAY—THURSDAY, FEBRUARY 18, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 934-Griesheimer	SB 948-Crowell
SB 935-Griesheimer	SB 949-Crowell
SB 936-Pearce	SB 950-Bray
SB 937-Justus	SB 951-Wright-Jones
SB 938-Justus	SB 952-Wright-Jones
SB 939-Barnitz and Mayer	SB 953-Wright-Jones
SB 940-Pearce	SB 954-Crowell
SB 941-Clemens	SB 955-Wright-Jones and Bray
SB 942-Rupp	SB 956-Keaveny
SB 943-Shields	SB 957-Green
SB 944-Shields	SB 958-Green
SB 945-Bray	SB 959-Schmitt
SB 946-Bray, et al	SB 960-Lembke
SB 947-Dempsey	SB 961-Lembke

### HOUSE BILLS ON SECOND READING

HCS for HB 1377

HCS for HB 1497

### THIRD READING OF SENATE BILLS

- |   |                                 |
|---|---------------------------------|
| 1. SS for SB 618-Rupp (In Fiscal Oversight)                   | 3. SS for SB 578-Shields        |
| 2. SS for SCS for SB 580-Griesheimer<br>(In Fiscal Oversight) | 4. SB 581-Griesheimer           |
|   | 5. SS for SCS for SB 588-Nodler |

- 6. SCS for SB 644-Shields
- 7. SB 627-Justus (In Fiscal Oversight)
- 8. SB 670-Justus
- 9. SCS for SB 594-Days

- 10. SCS for SB 616-Goodman
- 11. SB 693-Wilson
- 12. SJR 20-Bartle

#### SENATE BILLS FOR PERFECTION

SB 806-Bartle  
SJR 31-Scott

SB 579-Shields, with SCS  
SB 621-Lager

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS, SS for SCS,  
SA 4 & SA 4 to SA 4 (pending)  
SB 596-Callahan, with SCS (pending)  
SBs 607, 602, 615 & 725-Stouffer, with  
SCS & SA 1 (pending)

SB 738-Crowell, with SCS  
SB 779-Bartle, with SA 1 (pending)  
SB 839-Wright-Jones, with SCS  
SJR 22-Callahan  
SJR 33-Bartle, with SA 1 (pending)

#### CONSENT CALENDAR

##### Senate Bills

Reported 2/4

SB 753-Dempsey  
SB 669-Justus  
SB 668-Justus

SB 649-Days and Wright-Jones  
SB 804-Schmitt

Reported 2/11

SB 772-Scott, with SCS

SB 771-Scott

## RESOLUTIONS

## Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18 (Rupp)

SCR 34-Lembke, et al

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

### TWENTY-FOURTH DAY—THURSDAY, FEBRUARY 18, 2010

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It is hard to fail, but it is worse never to have tried to succeed. In this life we get nothing save by effort.” (Theodore D. Roosevelt)

Almighty God, we come this day mindful of the work that must be done. And we know that we must persist by giving our all till the hours run out for only then will we have a chance of succeeding as You would have us. So may we walk with You this day and talk with You to know the right path that will help us become all You have created us to be and do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senators

Champion      Scott—2

Vacancies—None

The Lieutenant Governor was present.



Senator Dempsey assumed the Chair.

### RESOLUTIONS

Senator Shields offered Senate Resolution No. 1665, regarding Ashley Howery, Saint Joseph, which was adopted.

Senator Schmitt offered Senate Resolution No. 1666, regarding Dr. James Kellerman, which was adopted.

Senator Schmitt offered Senate Resolution No. 1667, regarding James Ronald Lewandowski, Manchester, which was adopted.

Senator Vogel offered the following resolution:

#### SENATE RESOLUTION NO. 1668

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on the morning of Monday, March 8, 2010.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1668** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1668** was adopted.

Senator Vogel offered the following resolution:

#### SENATE RESOLUTION NO. 1669

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 5:00 p.m. on Saturday, October 2, 2010, for the purpose of a citizens assembly and workshops.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1669** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1669** was adopted.

Senator Mayer offered Senate Resolution No. 1670, regarding Colonel James F. Keathley, Tebbetts, which was adopted.

Senator Mayer offered Senate Resolution No. 1671, regarding First United Methodist Church, New

Madrid, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 962**—By Schaefer.

An Act to repeal sections 160.522, 162.720, and 163.011, RSMo, and to enact in lieu thereof three new sections relating to gifted education.

**SB 963**—By Shoemyer.

An Act to repeal section 640.240, RSMo, and to enact in lieu thereof one new section relating to the minority and underrepresented environmental literacy program.

**SB 964**—By Barnitz.

An Act to amend chapter 136, RSMo, by adding thereto one new section relating to criminal investigators of the department of revenue criminal investigations bureau.

**SB 965**—By Barnitz.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to a nuclear power surcharge.

**SB 966**—By Barnitz.

An Act to repeal sections 190.410, 190.420, 190.430, and 190.440, RSMo, and to enact in lieu thereof five new sections relating to enhanced 911.

**SB 967**—By Cunningham.

An Act to repeal section 311.297, RSMo, and to enact in lieu thereof one new section relating to the tasting of liquor.

**SB 968**—By Stouffer.

An Act to repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to concealed carry endorsements, with penalty provisions.

**SB 969**—By Keaveny.

An Act to repeal section 167.031, RSMo, and to enact in lieu thereof two new sections relating to school attendance.

**SB 970**—By Lembke.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the regulation of transport management companies and their subcontractors who contract with the state of Missouri.

**SB 971**—By Lembke.

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to cord blood banking.

**SB 972**—By Dempsey.

An Act to repeal sections 354.442 and 376.1450, RSMo, and to enact in lieu thereof two new sections

relating to documents and materials for health insurance enrollees.

### **REFERRALS**

President Pro Tem Shields referred **SJR 20** to the Committee on Governmental Accountability and Fiscal Oversight.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Suzan Ponder-Bates, Holly Monroe and Berta M. Sailer, as members of the Child Abuse and Neglect Review Board;

Also,

Edna M. Talboy, Democrat, as a member of the Missouri Health Facilities Review Committee;

Also,

Ashley M. Hoyer, as the student representative of the Missouri State University Board of Governors;

Also,

Laura A. Confer, as a student representative of the University of Missouri Board of Curators;

Also,

Letitia Thomas and Audrey Yarbrough, as members of the Missouri Family Trust Board of Trustees;

Also,

Roxanne McDaniel and Robyn C. Chambers, as members of the Missouri State Board of Nursing;

Also,

Richard Bee, II, as a member of the Corrections Officer Certification Commission;

Also,

Steven Martin, Republican, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

L. Carol Scott, as a member of the Coordinating Board for Early Childhood;

Also,

Major Ronald K. Replogle, as Superintendent of the Missouri State Highway Patrol.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and

consent to the above appointments, which motion prevailed.

President Pro Tem Shields assumed the Chair.

On behalf of Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, Senator Engler submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 782**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 629**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 758**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 686**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 630**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 754**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, Senator Schmitt submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 684**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 1540**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 636**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 795**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 795, Page 9, Section 319.306, Line 279, by inserting immediately after the word “wells” the following:

**“located within the southeast Missouri regional water district as created in section 256.643”.**

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 824**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SJR 29**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS for SCS for SB 580**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 716**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 820**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **SB 841**, **SB 657** and **SB 751**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **SB 812**, **SB 752** and **SB 909**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 583**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 834**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SJR 40**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which were referred **SB 842**, **SB 799** and **SB 809**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 801**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 897**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 614**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 768**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dempsey assumed the Chair.

**THIRD READING OF SENATE BILLS**

**SS for SCS for SB 580**, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 580

An Act to repeal sections 48.020, 49.310, 50.622, 50.660, 50.783, 52.290, 52.312, 52.361, 52.370, 54.010, 55.030, 55.140, 55.190, 56.700, 58.030, 64.170, 67.110, 67.402, 67.1000, 67.1360, 67.1361, 67.2000, 68.025, 68.035, 68.040, 68.070, 70.220, 71.285, 94.510, 94.550, 94.577, 94.900, 94.902, 115.305, 115.342, 115.346, 137.180, 137.355, 138.431, 139.031, 139.100, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.170, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 165.071, 181.060, 184.362, 204.300, 204.569, 221.105, 226.720, 260.210, 321.130, 321.711, 473.739, and 473.742, RSMo, and to enact in lieu thereof one hundred seventeen new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Under the provisions of Senate Rule 91, Senator Lager was excused from voting on the third reading of the bill and the emergency clause.

On motion of Senator Griesheimer, **SS for SCS for SB 580** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Cunningham	Days	Dempsey
Engler	Green	Griesheimer	Justus	Keaveny	Mayer	McKenna	Nodler
Pearce	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Vogel	Wilson

Wright-Jones—25

NAYS—Senators

Crowell	Goodman	Lembke	Purgason	Ridgeway	Stouffer—6
---------	---------	--------	----------	----------	------------

Absent—Senators—None

Absent with leave—Senators

Champion	Scott—2
----------	---------

Excused from voting—Senator Lager—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Green	Griesheimer	Justus	Keaveny	Lembke	Mayer

McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senator Goodman—1

Absent—Senators—None

Absent with leave—Senators

Champion      Scott—2

Excused from voting—Senator Lager—1

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS** for **SB 578**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 578

An Act to repeal sections 68.025, 68.035, 68.040, and 68.070, RSMo, and to enact in lieu thereof nineteen new sections relating to port authorities.

Was taken up.

On motion of Senator Shields, **SS** for **SB 578** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Cunningham      Lembke      Ridgeway—3

Absent—Senator Purgason—1

Absent with leave—Senators

Champion      Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.



Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

**SB 581**, introduced by Senator Griesheimer, entitled:

An Act to amend chapter 77, RSMo, by adding thereto one new section relating to political subdivisions.

Was taken up.

On motion of Senator Griesheimer, **SB 581** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Crowell      Lembke—2

Absent—Senator Purgason—1

Absent with leave—Senators

Champion      Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 588**, introduced by Senator Nodler, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 588

An Act to repeal sections 137.180 and 137.355, RSMo, and to enact in lieu thereof two new sections relating to projected property tax liability notices for certain counties.

Was taken up.

On motion of Senator Nodler, **SS** for **SCS** for **SB 588** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke

Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senator Barnitz—1

Absent—Senator Purgason—1

Absent with leave—Senators

Champion      Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 644**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 644

An Act to repeal sections 67.1000, 67.1361, and 70.220, RSMo, and to enact in lieu thereof three new sections relating to taxes to fund tourism and convention centers.

Was taken up by Senator Shields.

On motion of Senator Shields, **SCS for SB 644** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Cunningham      Lembke—2

Absent—Senators

Keaveny      Purgason—2

Absent with leave—Senators

Champion      Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 670**, introduced by Senator Justus, entitled:

An Act to amend chapter 141, RSMo, by adding thereto one new section relating to the compromise of taxes and penalties for properties subject to certain actions as abandoned property.

Was taken up.

On motion of Senator Justus, **SB 670** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Keaveny            Purgason—2

Absent with leave—Senators

Champion        Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 594**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 594

An Act to repeal sections 193.125, 193.255, and 453.170, RSMo, and to enact in lieu thereof five new sections relating to adoption records.

Was taken up by Senator Days.

On motion of Senator Days, **SCS for SB 594** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager

Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators

Champion      Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 616**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 616

An Act to amend chapters 376 and 538, RSMo, by adding thereto two new sections relating to community health centers.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS for SB 616** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators

Champion      Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

**SB 693**, introduced by Senator Wilson, entitled:

An Act to repeal sections 37.710, 37.715, and 210.566, RSMo, and to enact in lieu thereof six new sections relating to foster care and adoption promotion.

Was taken up.

On motion of Senator Wilson, **SB 693** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Crowell            Cunningham—2

Absent—Senator Purgason—1

Absent with leave—Senators

Champion        Scott—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 17, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Douglas R. Lang, 6824 Bonnie Avenue, Saint Louis, Saint Louis County, Missouri 63123, as a member of the State Board of Pharmacy, for a term ending February 16, 2015, and until his successor is duly appointed and qualified; vice, Gary Sobocinski, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 17, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Craig A. Van Matre, Democrat, 450 Covered Bridge Road, Columbia, Boone County, Missouri 65203, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2015, and until his successor is duly appointed and qualified; vice, Helen Washburn, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

### **SENATE BILLS FOR PERFECTION**

Senator Bartle moved that **SB 806** be taken up for perfection, which motion prevailed.

On motion of Senator Bartle, **SB 806** was declared perfected and ordered printed.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up passed **SCS** for **SCRs 35** and **32**.

Concurrent Resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1675**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to job growth.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1750**, entitled:

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to exchange access rates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1311** and **1341**, entitled:

An Act to amend chapters 337 and 376, RSMo, by adding thereto eleven new sections relating to insurance coverage for diagnosis and treatment of autism spectrum disorders, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 934**—General Laws.

**SB 935**—General Laws.

**SB 936**—Education.

**SB 937**—Ways and Means.

**SB 938**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 939**—Education.

**SB 940**—Ways and Means.

**SB 941**—Judiciary and Civil and Criminal Jurisprudence.

**SB 942**—Jobs, Economic Development and Local Government.

**SB 943**—Education.

**SB 944**—Ways and Means.

**SB 945**—Health, Mental Health, Seniors and Families.

**SB 946**—Education.

**SB 947**—Commerce, Consumer Protection, Energy and the Environment.

**SB 948**—Small Business, Insurance and Industry.

**SB 949**—Education.

**SB 950**—Small Business, Insurance and Industry.

**SB 951**—Judiciary and Civil and Criminal Jurisprudence.

**SB 952**—Agriculture, Food Production and Outdoor Resources.

**SB 953**—Health, Mental Health, Seniors and Families.

**SB 954**—Governmental Accountability and Fiscal Oversight.

**SB 955**—Health, Mental Health, Seniors and Families.

**SB 956**—Education.

**SB 957**—Commerce, Consumer Protection, Energy and the Environment.

**SB 958**—Commerce, Consumer Protection, Energy and the Environment.

**SB 959**—Judiciary and Civil and Criminal Jurisprudence.

**SB 960**—General Laws.

**SB 961**—General Laws.

### **INTRODUCTIONS OF GUESTS**

On behalf of Senator Scott and himself, Senator Nodler introduced to the Senate, members of Leadership Bolivar.

Senator Justus introduced to the Senate, Mayor Mark Funkhouser, Councilwoman Jan Marcason and Councilwoman Melba Curls, Kansas City.

Senator Cunningham introduced to the Senate, members of the Bridgeton City Council.

Senator Schmitt introduced to the Senate, Alderman Ed Purvis and Alderman Sam Scherer, Shrewsbury.

Senator Griesheimer introduced to the Senate, Mayor Ron Blum, his wife, Karen, Alderman Don Pierce, Alderwoman Connie Marrocco, her husband, Vince and Jim Arndt, St. Clair.

Senator Lembke introduced to the Senate, Justin Heoelker, Arnold; and Josh Foster.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 22, 2010.

### **SENATE CALENDAR**

---

**TWENTY-FIFTH DAY—MONDAY, FEBRUARY 22, 2010**

---

### **FORMAL CALENDAR**

#### **SECOND READING OF SENATE BILLS**

SB 962-Schaefer  
SB 963-Shoemyer  
SB 964-Barnitz  
SB 965-Barnitz  
SB 966-Barnitz  
SB 967-Cunningham

SB 968-Stouffer  
SB 969-Keaveny  
SB 970-Lembke  
SB 971-Lembke  
SB 972-Dempsey

#### **HOUSE BILLS ON SECOND READING**

HCS for HB 1377  
HCS for HB 1497  
HCS for HB 1675

HCS for HB 1750  
HCS for HBs 1311 & 1341



## THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)  
 SB 627-Justus (In Fiscal Oversight)

SJR 20-Bartle (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

1. SJR 31-Scott
2. SB 579-Shields, with SCS
3. SB 621-Lager
4. SB 629-Dempsey
5. SB 758-Rupp and Keaveny
6. SB 686-Rupp
7. SB 754-Dempsey, with SCS
8. SB 636-Lembke, with SCS

9. SB 795-Mayer and Nodler, with SCA 1
10. SB 824-Clemens
11. SJR 29-Purgason and Cunningham, with SCS
12. SB 716-Goodman
13. SJR 40-Goodman
14. SBs 842, 799 & 809-Schmitt, with SCS
15. SB 801-Rupp

## HOUSE BILLS ON THIRD READING

HCS for HB 1540

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS, SS for SCS,  
 SA 4 & SA 4 to SA 4 (pending)  
 SB 596-Callahan, with SCS (pending)  
 SBs 607, 602, 615 & 725-Stouffer, with  
 SCS & SA 1 (pending)

SB 738-Crowell, with SCS  
 SB 779-Bartle, with SA 1 (pending)  
 SB 839-Wright-Jones, with SCS  
 SJR 22-Callahan  
 SJR 33-Bartle, with SA 1 (pending)

## CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 753-Dempsey  
 SB 669-Justus  
 SB 668-Justus

SB 649-Days and Wright-Jones  
 SB 804-Schmitt

Reported 2/11

SB 772-Scott, with SCS

SB 771-Scott

Reported 2/18

SB 782-McKenna, with SCS

SB 630-Cunningham, with SCS

SB 684-Rupp

SB 820-McKenna

SBs 841, 657 & 751-Schmitt, with SCS

SBs 812, 752 & 909-Schmitt, with SCS

SB 583-Champion, with SCS

SB 834-Rupp, with SCS

SB 897-Lager

SB 614-Wilson

SB 768-Bartle

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1

HCS for HCR 18 (Rupp)

SCR 34-Lembke, et al

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTY-FIFTH DAY—MONDAY, FEBRUARY 22, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let us with caution indulge the supposition that morality can be maintained without religion. Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.” (George Washington)

Lord God, we are confronted with a time that many in our country experience the burden of debt, unemployment and fear for the future. It is a time that truly tries our souls and a time that we need to follow Your teachings so our lives when examined show the moral fiber You would have us live by. Our forefathers left us a legacy that we should never forget nor try to live without the religious principles upon which they tried to establish this country as truly “one nation under God.” So help us live so others see those principles in our lives. In Your Holy name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 18, 2010 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 1672, regarding Mr. and Mrs. Shawn David Hawk, which was adopted.

Senator Bray offered Senate Resolution No. 1673, regarding Sean Lally, St. Ann, which was adopted.

Senator Bray offered Senate Resolution No. 1674, regarding Scott Rapponotti, Clayton, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1675, regarding Jalee Gooch, Vandalia, which was adopted.

Senator Crowell offered Senate Resolution No. 1676, regarding Delta Companies, Inc./Delta Concrete, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1677, regarding Rollet Brothers Trucking Company, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 1678, regarding Melanie Hoehn, Cape Girardeau, which was adopted.

Senator Vogel offered Senate Resolution No. 1679, regarding Herman Foley, Eldon, which was adopted.

Senator Vogel offered Senate Resolution No. 1680, regarding Twehous Excavating Company, Inc., Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1681, regarding Sergeant Charles Lee Hammond, Eugene, which was adopted.

Senator Shields offered Senate Resolution No. 1682, regarding Deep-Vein Thrombosis Awareness Month, March 2010, which was adopted.

Senator Barnitz offered Senate Resolution No. 1683, regarding Boy Scout Troop 17, Linn, which was adopted.

Senator McKenna offered Senate Resolution No. 1684, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Stanley E. Seabaugh, Crystal City, which was adopted.

Senator McKenna offered Senate Resolution No. 1685, regarding Bridget Niebruegge, Arnold, which was adopted.

Senator Lembke offered Senate Resolution No. 1686, regarding Russell Bono, Saint Louis, which was adopted.

Senator Barnitz offered Senate Resolution No. 1687, regarding the One Hundred Fourth Birthday of Lena P. Cummings, Cuba, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 973**—By Ridgeway, Clemens, Mayer, Shoemyer and Barnitz.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to state and local sales and use tax exemptions for shooting ranges.

**SB 974**—By Mayer.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway designation.

**SB 975**—By Schaefer.

An Act to repeal sections 193.145 and 193.265, RSMo, and to enact in lieu thereof two new sections relating to death certificates.

**SB 976**—By Rupp.

An Act to repeal section 160.254, RSMo, and to enact in lieu thereof two new sections relating to the race to the top program, with an emergency clause.

**SB 977**—By Rupp.

An Act to amend chapter 455, RSMo, by adding thereto one new section relating to the electronic accessibility of records in protective order cases.

**SB 978**—By Rupp.

An Act to repeal sections 375.1152 and 375.1155, RSMo, and to enact in lieu thereof three new sections relating to the treatment of qualified financial contracts, netting agreements, and other similar agreements in insurance insolvency proceedings.

**SB 979**—By Rupp.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the approval or disapproval of long-term care insurance rates by the director of the department of insurance, financial institutions and professional registration.

**SB 980**—By Pearce.

An Act to repeal section 160.254, RSMo, and to enact in lieu thereof one new section relating to early childhood education.

**SB 981**—By Callahan.

An Act to repeal section 94.577, RSMo, and to enact in lieu thereof one new section relating to taxes imposed by certain cities to fund public safety activities including operations and capital improvements, with an emergency clause.

**SB 982**—By Bray, Justus, Days, Green, Shoemyer, Keaveny, Wright-Jones and Wilson.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof five new sections relating to increasing preventive health services in the state through the prevention first act.

**SB 983**—By Bray.

An Act to amend chapter 393, RSMo, by adding thereto seven new sections relating to the Missouri energy efficiency performance standard, with penalty provisions.

**SB 984**—By Lembke.

An Act to repeal section 313.830, RSMo, and to enact in lieu thereof one new section relating to prohibited acts on excursion gambling boats, with penalty provisions.

**SB 985**—By Goodman.

An Act to repeal sections 452.430, 454.515, and 525.233, RSMo, and to enact in lieu thereof three new sections relating to personal identification information in certain documents, with an emergency clause for a certain section.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 806**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

Senator Scott moved that **SJR 31** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

President Pro Tem Shields assumed the Chair.

Senator Pearce assumed the Chair.

At the request of Senator Scott, **SJR 31** was placed on the Informal Calendar.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 18, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Julie Ballard, 1927 Green Meadow Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Julie Ballard, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 18, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lisa G. Baron, 7929 Stanford Avenue, University City, Saint Louis County, Missouri 63130, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Lisa G. Baron, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 18, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

M. Joan D'Ambrose, 10051 Sakura Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, M. Joan D'Ambrose, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 18, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Maureen Dempsey, 7605 Shadybridge Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Maureen Dempsey, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 18, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Timothy G. Dolan, 387 Larimore Valley Drive, Wildwood, Saint Louis County, Missouri 63005, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, Timothy G. Dolan, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 18, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deborah S. Ellis, 16406 Bayshore Cove Court, Wildwood, Saint Louis County, Missouri 63040, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Deborah S. Ellis, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 18, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jean Leonatti, 3406 Wakefield Drive, Columbia, Boone County, Missouri 65203, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Jean Leonatti, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 18, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John C. Morris, 8032 Orlando Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, John C. Morris, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 18, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph S. Palm, 5466 Clemens Place, Saint Louis City, Missouri 63112, as a member of the Alzheimer's State Plan Task Force for a term



ending November 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 18, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Clara Carroll Rodriguez, 1921 Grayson Ridge Court, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Clara Carroll Rodriguez, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 18, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lois Zerrer, 1312 South Virginia, Springfield, Greene County, Missouri 65807, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Lois Zerrer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

**INTRODUCTION OF BILLS**

The following Bill was read the 1st time and ordered printed:

**SB 986**—By Barnitz.

An Act to repeal sections 334.506 and 334.613, RSMo, and to enact in lieu thereof two new sections relating to advanced practice registered nurses.

**SENATE BILLS FOR PERFECTION**

**SB 579**, with **SCS**, was placed on the Informal Calendar.

**SB 621** was placed on the Informal Calendar.

Senator Dempsey moved that **SB 629** be taken up for perfection, which motion prevailed.

On motion of Senator Dempsey, **SB 629** was declared perfected and ordered printed.

Senator Rupp moved that **SB 758** be taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 758** was declared perfected and ordered printed.

Senator Rupp moved that **SB 686** be taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 686** was declared perfected and ordered printed.

At the request of Senator Dempsey, **SB 754**, with **SCS**, was placed on the Informal Calendar.

### **INTRODUCTION OF BILLS**

The following Bill was read the 1st time and ordered printed:

**SB 987**—By Stouffer.

An Act to repeal section 172.794, RSMo, and to enact in lieu thereof one new section relating to funding for research projects by the University of Missouri board of curators.

### **SENATE BILLS FOR PERFECTION**

Senator Bartle moved that **SB 779**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was taken up.

At the request of Senator Bartle, the above amendment was withdrawn.

Senator Bartle offered **SA 2**:

### **SENATE AMENDMENT NO. 2**

Amend Senate Bill No. 779, Page 2, Section 488.5050, Line 34, by inserting after all of said line the following:

“556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible sodomy, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

(1) For any felony, three years, except as provided in subdivision (4) of this subsection;

(2) For any misdemeanor, one year;

(3) For any infraction, six months;

(4) For any violation of section 569.040, RSMo, when classified as a class B felony, or any violation of section 569.050 or 569.055, RSMo, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term

“person who has a legal duty to represent an aggrieved party” shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant to sections 407.511 to 407.556, RSMo; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020, RSMo;

**(5) During any period of time after a DNA profile is developed and reported from evidence collected in relation to the commission of an offense until the time when the accused is identified by name based upon a match between that DNA evidence profile and the known DNA profile of the accused. For purposes of this section, the term “DNA profile” means the collective results of the DNA analysis of a sample.”; and**

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Lembke, Schaefer and Shields.

**SA 2** was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Crowell	Cunningham	Dempsey	Engler	Goodman
Green	Griesheimer	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason
Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Vogel—24

NAYS—Senators

Bray	Days	Justus	Keaveny	Wilson—5
------	------	--------	---------	----------

Absent—Senators

Barnitz          Clemens          Lager          Stouffer          Wright-Jones—5

Absent with leave—Senators—None

Vacancies—None

Senator Justus offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Bill No. 779, Page 6, Section 650.055, Line 134, by striking the word “ninety” and inserting in lieu thereof the word “**thirty**”; and

Further amend said page and section, line 144 by striking the word “ninety” and inserting in lieu thereof the following:

“**thirty**”; and

Further amend said page and section, line 163 by striking the opening and closing brackets and further amend said line by striking the word “ninety”.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bartle, **SB 779**, as amended, was declared perfected and ordered printed.

#### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 686**; **SB 758**; and **SB 629**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

#### INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, Head Coach Bryan Blitz, players Crystal Wagner, Kristin Andrighetto, Bree Rhornton and members of the 2009 Big 12 Conference Champion University of Missouri women’s soccer team.

Senator Schaefer introduced to the Senate, Head Coach Ehren Earleywine and members of the 2009 Big 12 Tournament Champion, NCAA Regional Champion and NCAA Super Regional Champion University of Missouri women’s softball team.

Senator Schaefer introduced to the Senate, Mark Ellis, NCAA National Wrestling Champion, University of Missouri.

On motion of Senator Engler, the Senate adjourned under the rules.

SENATE CALENDAR

---

TWENTY-SIXTH DAY—TUESDAY, FEBRUARY 23, 2010

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 962-Schaefer	SB 975-Schaefer
SB 963-Shoemyer	SB 976-Rupp
SB 964-Barnitz	SB 977-Rupp
SB 965-Barnitz	SB 978-Rupp
SB 966-Barnitz	SB 979-Rupp
SB 967-Cunningham	SB 980-Pearce
SB 968-Stouffer	SB 981-Callahan
SB 969-Keaveny	SB 982-Bray, et al
SB 970-Lembke	SB 983-Bray
SB 971-Lembke	SB 984-Lembke
SB 972-Dempsey	SB 985-Goodman
SB 973-Ridgeway, et al	SB 986-Barnitz
SB 974-Mayer	SB 987-Stouffer

HOUSE BILLS ON SECOND READING

HCS for HB 1377	HCS for HB 1750
HCS for HB 1497	HCS for HBs 1311 & 1341
HCS for HB 1675	

THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)	SB 686-Rupp
SB 627-Justus (In Fiscal Oversight)	SB 758-Rupp and Keaveny
SJR 20-Bartle (In Fiscal Oversight)	SB 629-Dempsey
SB 806-Bartle	

SENATE BILLS FOR PERFECTION

SB 636-Lembke, with SCS	SB 795-Mayer and Nodler, with SCA 1
-------------------------	-------------------------------------

SB 824-Clemens  
SJR 29-Purgason and Cunningham, with SCS  
SB 716-Goodman

SJR 40-Goodman  
SBs 842, 799 & 809-Schmitt, with SCS  
SB 801-Rupp

#### HOUSE BILLS ON THIRD READING

HCS for HB 1540 (Crowell)

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS, SS for SCS,  
SA 4 & SA 4 to SA 4 (pending)  
SB 579-Shields, with SCS  
SB 596-Callahan, with SCS (pending)  
SBs 607, 602, 615 & 725-Stouffer, with  
SCS & SA 1 (pending)  
SB 621-Lager

SB 738-Crowell, with SCS  
SB 754-Dempsey, with SCS  
SB 839-Wright-Jones, with SCS  
SJR 22-Callahan  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)

#### CONSENT CALENDAR

##### Senate Bills

##### Reported 2/4

SB 753-Dempsey  
SB 669-Justus  
SB 668-Justus

SB 649-Days and Wright-Jones  
SB 804-Schmitt

##### Reported 2/11

SB 772-Scott, with SCS

SB 771-Scott

##### Reported 2/18

SB 782-McKenna, with SCS  
SB 630-Cunningham, with SCS  
SB 684-Rupp  
SB 820-McKenna  
SBs 841, 657 & 751-Schmitt, with SCS  
SBs 812, 752 & 909-Schmitt, with SCS

SB 583-Champion, with SCS  
SB 834-Rupp, with SCS  
SB 897-Lager  
SB 614-Wilson  
SB 768-Bartle

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18 (Rupp)

SCR 34-Lembke, et al

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTY-SIXTH DAY—TUESDAY, FEBRUARY 23, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“When I am afraid, I put my trust in you.” (Psalm 56:3)

O King of the Universe, we are a people that must trust in tomorrow. We know that to have no faith in the future we would have no power in the present - we would behave as a powerless people. But with You we believe that what we are called to do this day will have an effect on the future You call us to live in. We trust in You and ask that You help us, putting courage in our hearts and a smile on our face so we might deal effectively with the difficulty of this day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Schmitt offered the following resolution, which was adopted:

**SENATE RESOLUTION NO. 1688**

Whereas, the members of the Missouri Senate hold in high esteem those Show-Me State residents whose significant contributions of time and energy help ensure that higher education in this state provides its much-needed services and programs in the efficient, effective manner; and

Whereas, Dr. James Kellerman will retire this year as Executive Director and Chief Executive Officer of the Missouri Community College Association after twenty years of loyal and dedicated service; and

Whereas, Dr. James Kellerman has spent more than fifty years in the education arena serving students in the states of California, Florida, and Missouri; and

Whereas, Dr. James Kellerman has exhibited leadership as a college instructor, as a campus president, and as executive director of the Missouri Community College Association; and

Whereas, in his role as executive director of the Missouri Community College Association, Dr. James Kellerman has worked tirelessly on behalf of more than 80,000 community college students across the State of Missouri; and

Whereas, Dr. James Kellerman has provided leadership and direction for the Missouri Community College Association that has seen expansion of the state community college system to include nearly twenty campuses; and

Whereas, Dr. James Kellerman has encouraged student involvement by challenging students to actively represent and lobby on behalf of the needs and interests of their fellow students across the state:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fifth General Assembly, salute Dr. James Kellerman for his dedication to community college students in Missouri and for his service to the Missouri Community College Association; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Dr. James Kellerman.

Senator Lager offered Senate Resolution No. 1689, regarding the Seventy-fifth Anniversary of the Squaw Creek National Wildlife Refuge, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 988**—By Shoemyer and Clemens.

An Act to amend chapter 260, RSMo, by adding thereto one new section relating to composting facilities.

**SB 989**—By Shoemyer.

An Act to repeal section 231.444, RSMo, and to enact in lieu thereof one new section relating to the imposition of a tax for the purchase of road rock by certain counties.

**SB 990**—By Scott.

An Act to repeal section 167.194, RSMo, and to enact in lieu thereof one new section relating to vision examinations for school children.

**SB 991**—By Scott.

An Act to repeal sections 8.650, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 162.1000, 190.176, 191.400, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 207.023, 208.153, 208.175, 208.195, 208.197, 208.530, 208.533, 208.535, 208.792, 208.955, 210.496,

253.375, 260.372, 260.705, 260.720, 260.725, 260.735, 262.217, 286.001, 286.005, 286.200, 286.205, 286.210, 301.142, 302.136, 304.028, 316.203, 316.204, 316.205, 316.210, 320.094, 320.205, 324.001, 324.028, 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, 324.439, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 324.496, 324.499, 324.600, 324.603, 324.609, 324.624, 324.1100, 324.1102 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, 324.1108, 324.1110, 324.1112, 324.1116, 324.1124, 324.1126, 324.1130, 324.1132, 324.1134, 324.1140, 331.010, 331.020, 331.030, 331.032, 331.045, 331.050, 331.060, 331.070, 331.080, 331.085, 331.090, 331.110, 334.721, 344.060, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 376.423, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 621.045, 630.910, 630.915, 632.020, 660.010, 701.302, 701.350, 701.353, 701.355, and 701.377, RSMo, and to enact in lieu thereof one hundred twenty-eight new sections relating to the sole purpose of repealing and revising certain state boards, councils, committees, and commissions, with penalty provisions and a contingent effective date for certain sections.

**SB 992**—By Clemens.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the Missouri farmland trust.

**SB 993**—By Crowell.

An Act to authorize the conveyance of certain state properties, with emergency clause.

**SB 994**—By Crowell.

An Act to amend chapter 324, RSMo, by adding thereto ten new sections relating to the powers and duties of the Missouri electrical industry licensing board, with penalty provisions.

**SB 995**—By Justus.

An Act to amend chapter 559, RSMo, by adding thereto one new section relating to mental health assessments by the department of corrections.

**SB 996**—By Justus.

An Act to repeal sections 210.481, 210.484, and 210.486, RSMo, and to enact in lieu thereof two new sections relating to licensing of residential facilities and foster family group homes.

## **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 779**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Shields assumed the Chair.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which were referred **SB 895**, **SB 813**, **SB 911**, **SB 924**, **SB 922** and **SB 802**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 1540**, entitled:

An Act to repeal sections 304.015, 307.010, 307.090, 307.120, 307.155, 307.172, 307.173, 307.195, 307.390, 307.400, and 556.021, RSMo, and to enact in lieu thereof twelve new sections relating to infractions, with penalty provisions and an emergency clause for certain sections.

Was taken up by Senator Crowell.

Senator Rupp offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1540, Page 3, Section 304.015, Line 67, by inserting after all of said line the following:

“304.705. 1. In any county with a population of more than one hundred eighty thousand inhabitants that adjoins a county with a charter form of government with a population of more than nine hundred thousand inhabitants, all trucks registered for a gross weight of more than twenty-four thousand pounds, as of January 1, 2008, shall not be driven in the far left lane upon an interstate highway having at least three lanes proceeding in the same direction, within three miles of where an interstate highway and a three-digit numbered Missouri route intersects with an average daily traffic count on the interstate highway of at least one hundred thirty thousand vehicles at such point. The Missouri department of transportation shall design, manufacture, and install any informational and directional signs at the appropriate locations. Such restriction shall not apply when:

- (1) It is reasonably necessary for the operation of the truck to respond to emergency conditions; or
- (2) The right or a center lane of a roadway is closed to traffic while under construction, maintenance, or repair.

2. As used in this section, “truck” means any vehicle, machine, tractor trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways.

3. A violation of this section is [an infraction] **a class C misdemeanor** unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class [C] **B** misdemeanor, or unless an accident results from such violation, in which case such violation is a class A misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

At the request of Senator Crowell, **HCS** for **HB 1540**, with **SA 1** (pending), was placed on the Informal Calendar.

**SENATE BILLS FOR PERFECTION**

Senator Lembke moved that **SB 636**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS** for **SB 636**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 636**

An Act to repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to the payment of health insurance claims, with an effective date.

Was taken up.

Senator Lembke moved that **SCS** for **SB 636** be adopted.

Senator Callahan offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 636, Page 4, Section 376.383, Line 122, by inserting immediately after all of said line the following: “**11. The remedies provided by this section are in addition to all other remedies provided by law.**”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Lembke moved that **SCS** for **SB 636**, as amended, be adopted, which motion prevailed.

On motion of Senator Lembke, **SCS** for **SB 636**, as amended, was declared perfected and ordered printed.

**HOUSE BILLS ON THIRD READING**

Senator Crowell moved that **HCS** for **HB 1540**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Crowell, **HCS** for **HB 1540**, as amended, was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

**NAYS—Senators—None**

**Absent—Senators—None**

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Champion Clemens—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Lager moved that **SB 621** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Lager, **SB 621** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 607**, **SB 602**, **SB 615** and **SB 725**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

Senator Lager assumed the Chair.

At the request of Senator Stouffer, **SB 607**, **SB 602**, **SB 615** and **SB 725**, with **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

Senator Pearce assumed the Chair.

### REFERRALS

President Pro Tem Shields referred **SB 779** to the Committee on Governmental Accountability and Fiscal Oversight.

**SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 962**—Education.

**SB 963**—Education.

**SB 964**—Judiciary and Civil and Criminal Jurisprudence.

**SB 965**—Commerce, Consumer Protection, Energy and the Environment.

**SB 966**—Commerce, Consumer Protection, Energy and the Environment.

**SB 967**—Agriculture, Food Production and Outdoor Resources.

**SB 968**—Judiciary and Civil and Criminal Jurisprudence.

**SB 969**—Education.

**SB 970**—Transportation.

**SB 971**—Health, Mental Health, Seniors and Families.

**SB 972**—Small Business, Insurance and Industry.

**SB 973**—Governmental Accountability and Fiscal Oversight.

**SB 974**—Transportation.

**SB 975**—Health, Mental Health, Seniors and Families.

**SB 976**—General Laws.

**SB 977**—Judiciary and Civil and Criminal Jurisprudence.

**SB 978**—Financial and Governmental Organizations and Elections.

**SB 979**—Small Business, Insurance and Industry.

**SB 980**—Education.

**SB 981**—Jobs, Economic Development and Local Government.

**SB 982**—Health, Mental Health, Seniors and Families.

**SB 983**—Commerce, Consumer Protection, Energy and the Environment.

**SB 984**—Ways and Means.

**SB 985**—General Laws.

**SB 986**—Financial and Governmental Organizations and Elections.

**SB 987**—Education.

**SENATE BILLS FOR PERFECTION**

Senator Mayer moved that **SB 795**, with **SCA 1**, be taken up for perfection, which motion prevailed.

**SCA 1** was taken up.

Senator Mayer moved that the above committee amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 795, Page 9, Section 319.306, Line 285, by inserting after all of said line the following:

“319.321. Sections 319.309, 319.312, 319.315, and 319.318 shall not apply to:

- (1) Universities, colleges, or trade schools when confined to the purpose of instruction or research;
- (2) The use of explosive materials in the forms prescribed by the official U.S. Pharmacopoeia or the National Formulary and used in medicines and medicinal agents;
- (3) The training or emergency operations of any federal, state, or local government including all departments, agencies, and divisions thereof, provided they are acting in their official capacity and in the proper performance of their duties or functions;
- (4) The use of explosives by the military or any agency of the United States;
- (5) The use of pyrotechnics, commonly known as fireworks, including signaling devices such as flares, fuses, and torpedoes;
- (6) The use of small arms ammunition and components thereof which are subject to the Gun Control Act of 1968, 18 U.S.C. Section 44, and regulations promulgated thereunder. Any small arms ammunition and components thereof exempted by the Gun Control Act of 1968 and regulations promulgated thereunder are also exempted from the provisions of sections 319.300 to 319.345;
- (7) Any person performing duties using explosives within an industrial furnace;
- (8) The use of agricultural fertilizers when used for agricultural or horticultural purposes;
- (9) The use of explosives for lawful demolition of structures;
- (10) The use of explosives by employees, agents, or contractors of rural electric cooperatives organized or operating under chapter 394, RSMo; [and]
- (11) Individuals discharging historic firearms and cannon or reproductions of historic firearms and cannon; **and**
- (12) **Any person using explosive materials along with a well screen cleaning device for the purpose of unblocking clogged screens of agricultural irrigation wells located within the southeast Missouri regional water district as created in section 256.643.”; and**

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mayer, **SB 795**, as amended, was declared perfected and ordered printed.

On motion of Senator Engler, the Senate recessed until 2:45 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Justus.

## **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 621**; **SCS** for **SB 636**; and **SB 795**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 33**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 31**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 46**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

## **RESOLUTIONS**

Senator Stouffer offered Senate Resolution No. 1690, regarding *Arrow Rock: Where the Past Is the Future*, which was adopted.

Senator Stouffer offered Senate Resolution No. 1691, regarding Libby Owens, Slater, which was adopted.

Senator Stouffer offered Senate Resolution No. 1692, regarding Rajaye Smith, Caruthersville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1693, regarding James Farris, Boonville, which was adopted.

Senator Barnitz offered Senate Resolution No. 1694, regarding Walmart Transportation, St. James, which was adopted.

Senator Barnitz offered Senate Resolution No. 1695, regarding the Harney Mansion Foundation, which was adopted.

Senator Barnitz offered Senate Resolution No. 1696, regarding Joe Mangiaracino, Sullivan, which was adopted.

Senator Barnitz offered Senate Resolution No. 1697, regarding Robert Hussey, St. James, which was adopted.

Senator Crowell offered Senate Resolution No. 1698, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Haman, Cape Girardeau, which was adopted.



Senator Crowell offered Senate Resolution No. 1699, regarding the Fortieth Wedding Anniversary of Dr. and Mrs. Richard Martin, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1700, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tommy Martin, Charleston, which was adopted.

### COMMUNICATIONS

Senator Crowell submitted the following:

February 23, 2010

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building – Room 325  
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

**SB630** - Modifies various provisions pertaining to manufactured homes

**SB820** - Updates Missouri's traffic laws to reflect that the majority of pedestrian control signals now display the international symbols for pedestrian control

**SB897** - Allows members of the Public Service Commission to participate in certain legal proceedings

**SB614** - Modifies the definition of "bullying" as used in school district antibullying policies to include cyberbullying and electronic communications

**SB768** - Modifies provisions relating to school districts charging tuition for non-resident children of district teachers and employees

Thank you.

Sincerely,  
/s/ Jason G. Crowell  
Jason G. Crowell  
State Senator

### INTRODUCTIONS OF GUESTS

Senator Schmitt introduced to the Senate, students from Missouri Community College Association Student Government.

Senator Schmitt introduced to the Senate, Steve Brady and students Vincent Hayden, Safia Madini, Blake Fischer, Charles Hartman, Abdul Mateuzzi, Mike Roman and Kristen Huyett from St. Louis Community College-Meramec.

Senator Stouffer introduced to the Senate, John Borra, Napoleon; and Craig Faith, Phil Melius and Jason Reed, Lee's Summit.

Senator Stouffer introduced to the Senate, Jerry Kirchoff, Sedalia; George LaJoie, Salem; Jack Bates, West Plains; and Adam Bruner, Kirksville.

Senator Stouffer introduced to the Senate, Joe Grygiel, St. Louis.

Senator Pearce introduced to the Senate, Craig Arnold and guests from Cass County.

Senator Wright-Jones introduced to the Senate, Monroe Yancie and Doug Randell, St. Louis.

Senator Goodman introduced to the Senate, nine eighth grade students from Berean Christian Academy,

Monett.

Senator Champion introduced to the Senate, members of Missouri Physical Therapy Association.

Senator Engler introduced to the Senate, Debbie Lee and students Matthew Farr, Elijah Boyd, Alesha Sikes, Christion Oates and Jason Underwood from Mineral Area College.

Senator Lembke introduced to the Senate, members of the St. Louis Metropolitan Police Department.

Senator Mayer introduced to the Senate, Tami Cagle and David Joiner, Doniphan.

Senator Bray introduced to the Senate, former State Senator Betty Sims, Ladue.

Senator Pearce introduced to the Senate, Dr. Sarah Stephens, her daughter, Rachel and her mother, Jan, Warrensburg.

On behalf of Senator Justus, the President introduced to the Senate, Jeff Justus and Paul Jackson, Branson; and Rebecca Justus Nivens, Ozark.

Senator Engler introduced to the Senate, John and Caryn Lamping and their children, Jackson and Emma, St. Louis County.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

TWENTY-SEVENTH DAY—WEDNESDAY, FEBRUARY 24, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 988-Shoemyer and Clemens

SB 993-Crowell

SB 989-Shoemyer

SB 994-Crowell

SB 990-Scott

SB 995-Justus

SB 991-Scott

SB 996-Justus

SB 992-Clemens

### HOUSE BILLS ON SECOND READING

HCS for HB 1377

HCS for HB 1750

HCS for HB 1497

HCS for HBs 1311 & 1341

HCS for HB 1675

## THIRD READING OF SENATE BILLS

- |   |  |
|---|--|
| 1. SS for SB 618-Rupp (In Fiscal Oversight) | 7. SB 629-Dempsey                      |
| 2. SB 627-Justus (In Fiscal Oversight)      | 8. SB 779-Bartle (In Fiscal Oversight) |
| 3. SJR 20-Bartle (In Fiscal Oversight)      | 9. SB 621-Lager                        |
| 4. SB 806-Bartle                            | 10. SCS for SB 636-Lembke              |
| 5. SB 686-Rupp                              | 11. SB 795-Mayer and Nodler            |
| 6. SB 758-Rupp and Keaveny                  |  |

## SENATE BILLS FOR PERFECTION

SB 824-Clemens	SBs 842, 799 & 809-Schmitt, with SCS
SJR 29-Purgason and Cunningham, with SCS	SB 801-Rupp
SB 716-Goodman	SBs 895, 813, 911, 924, 922 &
SJR 40-Goodman	802-Dempsey, et al, with SCS

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS, SS for SCS, SA 4 & SA 4 to SA 4 (pending)	SB 738-Crowell, with SCS
SB 579-Shields, with SCS	SB 754-Dempsey, with SCS
SB 596-Callahan, with SCS (pending)	SB 839-Wright-Jones, with SCS
SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)	SJR 22-Callahan
	SJR 31-Scott
	SJR 33-Bartle, with SA 1 (pending)

## CONSENT CALENDAR

## Senate Bills

Reported 2/4

SB 753-Dempsey	SB 649-Days and Wright-Jones
SB 669-Justus	SB 804-Schmitt
SB 668-Justus	

Reported 2/11

SB 772-Scott, with SCS

SB 771-Scott

Reported 2/18

SB 782-McKenna, with SCS

SBs 812, 752 & 909-Schmitt, with SCS

SB 684-Rupp

SB 583-Champion, with SCS

SBs 841, 657 & 751-Schmitt, with SCS

SB 834-Rupp, with SCS

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1

SCR 33-Nodler

HCS for HCR 18 (Rupp)

SCR 31-Pearce

SCR 34-Lembke, et al

SCR 46-Stouffer

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTY-SEVENTH DAY—WEDNESDAY, FEBRUARY 24, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Effort and courage are not enough without purpose and direction.” (J. F. Kennedy)

Almighty God, we are challenged to perform on behalf of the citizens of Missouri but let us always be mindful that we do so with purpose that is directed by You. Empower us with the strength we need to do Your will for we need only surrender and trust You to carry us through. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers with the Tuskegee Airmen and Buffalo Soldiers were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Shoemyer offered Senate Resolution No. 1701, regarding Rose “Penny” Penn Ross, Mexico, which was adopted.

Senator Lager offered Senate Resolution No. 1702, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Holstine, Mound City, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Pearce moved that **SCR 31** be taken up for adoption, which motion prevailed.

On motion of Senator Pearce, **SCR 31** was adopted by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators—None

## Absent—Senators

Griesheimer      Keaveny—2

## Absent with leave—Senators—None

## Vacancies—None

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 997**—By Scott and Shoemyer.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to substitute Missouri certificates of license to teach.

**SB 998**—By Schaefer.

An Act to amend chapter 452, RSMo, by adding thereto ten new sections relating to the uniform premarital agreement act.

**SB 999**—By Schaefer.

An Act to repeal sections 135.950, 135.953, 135.960, 135.963, 135.967, 135.970, and 135.973, RSMo, and to enact in lieu thereof eight new sections relating to enhanced enterprise zones.

Senator Lager assumed the Chair.

**SENATE BILLS FOR PERFECTION**

Senator Clemens moved that **SB 824** be taken up for perfection, which motion prevailed.

On motion of Senator Clemens, **SB 824** was declared perfected and ordered printed.

At the request of Senator Purgason, **SJR 29**, with **SCS**, was placed on the Informal Calendar.

Senator Goodman moved that **SB 716** be taken up for perfection, which motion prevailed.

On motion of Senator Goodman, **SB 716** was declared perfected and ordered printed.

Senator Goodman moved that **SJR 40** be taken up for perfection, which motion prevailed.

Senator Ridgeway assumed the Chair.

Senator Callahan offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 40, Page 1, Section 35, Lines 3-5, by striking said lines and inserting in lieu thereof the following “**for public office or public votes on initiatives or referenda, designations or authorizations of employee representation, or any vote taken by a board of directors of any corporation regardless of whether a for-profit or nonprofit corporation, the right of individuals to vote by secret ballot shall be guaranteed.**”

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Goodman, **SJR 40**, with **SA 1** (pending), was placed on the Informal Calendar.

#### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 23, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lynn M. Ewing, III, Democrat, 728 South Main Street, Nevada, Vernon County, Missouri 64772, as a member of the Missouri Southern State University Board of Governors for a term ending August 30, 2015, and until his successor is duly appointed and qualified; vice, David Ansley, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointment to the Committee on Gubernatorial Appointments.

On motion of Senator Engler, the Senate recessed until 4:30 p.m.

#### RECESS

The time of recess having expired, the Senate was called to order by Senator Stouffer.

#### RESOLUTIONS

Senator Engler offered Senate Resolution No. 1703, regarding the Fiftieth Anniversary of the Valley Lions Club, Belgrade, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1704, regarding Thomas Jones, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1705, regarding Garrett Ragland, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1706, regarding Sean Emery, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1707, regarding Chans Dykes, Kansas City, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 1000**—By Green.

An Act to repeal section 33.080, RSMo, and to enact in lieu thereof one new section relating to certain state funds, with penalty provisions.

**SB 1001**—By Griesheimer.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to local government week.

**SB 1002**—By Wilson.

An Act to amend chapter 184, RSMo, by adding thereto five new sections relating to the establishment of the Kansas City zoological district.

### **SENATE BILLS FOR PERFECTION**

Senator Shields moved that **SB 577**, with **SCS**, **SS** for **SCS**, **SA 4** and **SA 4** to **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Shields, **SS** for **SCS** for **SB 577** was withdrawn, rendering **SA 4** to **SA 4** and **SA 4** moot.

Senator Shields offered **SS No. 2** for **SCS** for **SB 577**, entitled:

#### **SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 577**

An Act to repeal sections 105.955, 105.957, 105.959, 105.961, 130.021, 130.031, and 130.044, RSMo, and to enact in lieu thereof seven new sections relating to Missouri ethics commission oversight over public officials while serving in and running for office, with penalty provisions.

Senator Shields moved that **SS No. 2** for **SCS** for **SB 577** be adopted.

Senator Green offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 6, Section 105.955, Line 24 of said page, by striking the following: “six years” and inserting in lieu thereof



the following: “**two terms of six years each**”.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 16, Section 105.959, Line 28, by striking the word “**may**” and inserting in lieu the following: “**shall**”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 1, Section A, Line 5 of said page, by inserting after all of said line the following:

“105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; or

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof.

2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest and best received.

**3. Within one year after leaving office, no member of the general assembly shall act, serve, or register as a legislative lobbyist as defined in section 105.470; be employed in any department or office within the executive branch of government; or be appointed to any board, commission, or committee formed under the laws of this state where such person receives remuneration above reimbursement for actual and necessary expenses.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Engler raised the point of order that **SA 3** is out of order as it goes beyond the scope of the title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Crowell offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 1, Section A, Line 5 of said page, by inserting immediately after said line the following:

“105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; or

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding,

provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof.

2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest and best received.

**3. No member of the general assembly shall be compensated by any federal political committee or any committee as defined in section 130.011 for goods or services rendered.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Engler raised the point of order that **SA 4** is out of order as it goes beyond the scope of the title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Crowell offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 1, Section A, Line 5 of said page, by inserting after all of said line the following:

“100.265. 1. There is hereby created within the department of economic development the “Missouri Development Finance Board”, which shall constitute a body corporate and politic and shall consist of twelve members, including [the lieutenant governor,] the director of the department of economic development, the director of the department of natural resources, and the director of the department of agriculture. No more than five members appointed by the governor to the board shall be of the same political party. Except for [the lieutenant governor,] the director of the department of economic development, the director of the department of natural resources, and the director of the department of agriculture, all members shall be appointed by the governor by and with the advice and consent of the senate, and shall serve for terms of four years. The persons serving as members of the Missouri economic development, export and infrastructure board on August 28, 1994, shall become members of the Missouri development finance board for terms to expire at the same time their terms would have expired if they had remained members of the Missouri economic development, export and infrastructure board. The Missouri development finance board shall replace the Missouri economic development, export and infrastructure board. All moneys, property, any other assets or liabilities of the Missouri economic development, export and infrastructure board on August 28, 1994, shall be transferred to the Missouri development finance board. All powers, duties and functions performed by the Missouri economic development, export and infrastructure board pursuant to sections 100.250 to 100.297 shall be transferred to the Missouri development finance board.

2. Each member of the board appointed by the governor shall have resided in this state for at least five years prior to appointment. Except for the [lieutenant governor,] director of the department of economic development, the director of the department of natural resources, and the director of the department of agriculture, no person may be appointed to the board who is an elected officer or employee of the state, or any agency, board, commission, or authority established by the state.

3. The governor shall designate one of the members of the board to serve as chairman. The board shall meet at such times and places it shall designate. Seven members shall constitute a quorum. No vacancy in the membership shall impair the right of a quorum of the members to exercise all of the rights and powers and to perform all of the duties of the board.

4. Members of the board shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.”; and

Further amend said bill, Page 45, Section 130.044, Line 28 of said page, by inserting after all of said line the following:

“215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the “Missouri Housing Development Commission” which shall constitute a body corporate and politic.

2. The commission shall consist of [the governor, lieutenant governor, the state treasurer, the state attorney general, and six members] **ten public members, who are not statewide elected officials**, to be selected by the governor, with the advice and consent of the senate. The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction. Not more than

[four] **six** of the members appointed by the governor shall be from the same political party. The members of the commission appointed by the governor shall serve the following terms: Two shall serve two years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

3. Six members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. No action shall be taken by the commission except upon the affirmative vote of at least six of the members of the commission.

4. Each member of the commission appointed by the governor is entitled to compensation of fifty dollars per diem plus his reasonable and necessary expenses actually incurred in discharging his duties under sections 215.010 to 215.250.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Engler raised the point of order that **SA 5** is out of order as it goes beyond the scope of the title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Crowell offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 45, Section 130.044, Line 28 of said page, by inserting after all of said line the following:

“135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the “Tax Credit Accountability Act of 2004”.

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) “Administering agency”, the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;

(2) “Agricultural tax credits”, the agricultural product utilization contributor tax credit created pursuant to section 348.430, RSMo, the new generation cooperative incentive tax credit created pursuant to section 348.432, RSMo, the family farm breeding livestock loan tax credit created under section 348.505, RSMo, the qualified beef tax credit created under section 135.679, and the wine and grape production tax credit created pursuant to section 135.700;

(3) “All tax credit programs”, or “any tax credit program”, the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, financial and insurance tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) “Business recruitment tax credits”, the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, RSMo, the development tax credits created pursuant to sections 32.100 to 32.125, RSMo, the rebuilding communities tax credit created pursuant to section 135.535, the film production tax credit created pursuant to section 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to 135.975, and the Missouri quality jobs program created pursuant to sections 620.1875 to 620.1900, RSMo;

(5) **“Committee”, the same meaning as provided under section 130.011, and shall include any committee required to file with the federal election commission;**

(6) “Community development tax credits”, the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, RSMo, the family development account tax credit created pursuant to sections 208.750 to 208.775, RSMo, the dry fire hydrant tax credit created pursuant to section 320.093, RSMo, and the transportation development tax credit created pursuant to section 135.545;

[(6)] (7) “Domestic and social tax credits”, the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, RSMo, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit and children in crisis tax credit created pursuant to sections 135.325 to 135.339, the maternity home tax credit created pursuant to section 135.600, the surviving spouse tax credit created pursuant to section 135.090, the residential treatment agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax credit created pursuant to section 135.647, the health care access fund tax credit created pursuant to section 135.575, the residential dwelling access tax credit created pursuant to section 135.562, and the shared care tax credit created pursuant to section 660.055, RSMo;

[(7)] (8) “Entrepreneurial tax credits”, the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, RSMo, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, RSMo, the research tax credit created pursuant to section 620.1039, RSMo, the small business incubator tax credit created pursuant to section 620.495, RSMo, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125, RSMo;

[(8)] (9) “Environmental tax credits”, the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and the alternative fuel stations tax credit created pursuant to section 135.710;

[(9)] (10) “Financial and insurance tax credits”, the bank franchise tax credit created pursuant to section 148.030, RSMo, the bank tax credit for S corporations created pursuant to section 143.471, RSMo, the exam fee tax credit created pursuant to section 148.400, RSMo, the health insurance pool tax credit created pursuant to section 376.975, RSMo, the life and health insurance guaranty tax credit created pursuant to section 376.745, RSMo, the property and casualty guaranty tax credit created pursuant to section 375.774, RSMo, and the self-employed health insurance tax credit created pursuant to section 143.119, RSMo;

[(10)] (11) “Housing tax credits”, the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and

the affordable housing tax credit created pursuant to sections 32.105 to 32.125, RSMo;

[(11)] **(12)** “Recipient”, the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805;

[(12)] **(13)** “Redevelopment tax credits”, the historic preservation tax credit created pursuant to sections 253.545 to 253.561, RSMo, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, RSMo, the community development corporations tax credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, RSMo, the bond guarantee tax credit created pursuant to section 100.297, RSMo, the disabled access tax credit created pursuant to section 135.490, the new markets tax credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit created pursuant to section 99.1205, RSMo;

[(13)] **(14)** “Training and educational tax credits”, the community college new jobs tax credit created pursuant to sections 178.892 to 178.896, RSMo.

135.802. 1. Beginning January 1, 2005, all applications for all tax credit programs shall include, in addition to any requirements provided by the enacting statutes of a particular credit program, the following information to be submitted to the department administering the tax credit:

(1) Name, address, and phone number of the applicant or applicants, and the name, address, and phone number of a contact person or agent for the applicant or applicants;

(2) Taxpayer type, whether individual, corporation, nonprofit or other, and taxpayer identification number, if applicable;

(3) Standard industry code, if applicable;

(4) Program name and type of tax credit, including the identity of any other state or federal program being utilized for the same activity or project; and

(5) Number of estimated jobs to be created, as a result of the tax credits, if applicable, separated by construction, part-time permanent, and full-time permanent.

2. In addition to the information required by subsection 1 of this section, an applicant for a community development tax credit shall also provide information detailing the title and location of the corresponding project, the estimated time period for completion of the project, and all geographic areas impacted by the project.

3. In addition to the information required by subsection 1 of this section, an applicant for a redevelopment tax credit shall also provide information detailing the location and legal description of the property, age of the structure, if applicable, whether the property is residential, commercial, or governmental, and the projected project cost, labor cost, and projected date of completion. Where a redevelopment tax credit applicant is required to submit contemporaneously a federal application for a similar credit on the same underlying project, the submission of a copy of the federal application shall be sufficient to meet the requirements of this subsection.

4. In addition to the information required by subsection 1 of this section, an applicant for a business recruitment tax credit shall also provide information detailing the category of business by size, the address of the business headquarters and all offices located within this state, the number of employees at the time of the application, the number of employees projected to increase as a result of the completion of the project,

and the estimated project cost.

5. In addition to the information required by subsection 1 of this section, an applicant for a training and educational tax credit shall also provide information detailing the name and address of the educational institution to be used, the average salary of workers to be served, the estimated project cost, and the number of employees and number of students to be served.

6. In addition to the information required by subsection 1 of this section, an applicant for a housing tax credit also shall provide information detailing the address, legal description, and fair market value of the property, and the projected labor cost and projected completion date of the project. Where a housing tax credit applicant is required to submit contemporaneously a federal application for a similar credit on the same underlying project, the submission of a copy of the federal application shall be sufficient to meet the requirements of this subsection. For the purposes of this subsection, “fair market value” means the value as of the purchase of the property or the most recent assessment, whichever is more recent.

7. In addition to the information required by subsection 1 of this section, an applicant for an entrepreneurial tax credit shall also provide information detailing the amount of investment and the names of the project, fund, and research project.

8. In addition to the information required by subsection 1 of this section, an applicant for an agricultural tax credit shall also provide information detailing the type of agricultural commodity, the amount of contribution, the type of equipment purchased, and the name and description of the facility.

9. In addition to the information required by subsection 1 of this section, an applicant for an environmental tax credit shall also include information detailing the type of equipment, if applicable, purchased and any environmental impact statement, if required by state or federal law.

**10. In addition to the information required by the provisions of this section, effective August 28, 2010, an applicant for agricultural product utilization contributor tax credits created under section 348.430, new generation cooperative incentive tax credits created under section 348.432, business recruitment tax credits, entrepreneurial tax credits, low-income housing tax credits created under sections 135.350 to 135.363, redevelopment tax credits or tax credits authorized under any tax credit program established by law after August 28, 2010, shall, under penalty of perjury provide a statement that such applicant has not directly, or indirectly, contributed to any committee within the two calendar years immediately preceding the date of filing such statement and shall not make such a contribution for the two year period immediately following receipt of such tax credits.**

11. An administering agency may, by rule, require additional information to be submitted by an applicant. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be void.

[11.] 12. Where the sole requirement for receiving a tax credit in the enabling legislation of any tax credit is an obligatory assessment upon a taxpayer or a monetary contribution to a particular group or entity, the application requirements provided in this section shall apply to the recipient of such assessment or



contribution and shall not apply to the assessed nor the contributor.

[12.] **13.** It shall be the duty of each administering agency to provide information to every applicant, at some time prior to authorization of an applicant's tax credit application, wherein the requirements of this section, the annual reporting requirements of section 135.805, and the penalty provisions of section 135.810 are described in detail.

**135.807. 1. Provisions of law to the contrary notwithstanding, recipients of agricultural product utilization contributor tax credits created under section 348.430, new generation cooperative incentive tax credits created under section 348.432, business recruitment tax credits, entrepreneurial tax credits, low-income housing tax credits created under sections 135.350 to 135.363, redevelopment tax credits or tax credits authorized under any tax credit program established by law after August 28, 2010, shall be prohibited from contributing, directly or indirectly, to any committee for two calendar years following the date of filing the statement required under subsection 10 of section 135.802.**

**2. Agricultural product utilization contributor tax credits created under section 348.430, new generation cooperative incentive tax credits created under section 348.432, business recruitment tax credits, entrepreneurial tax credits, low-income housing tax credits created under sections 135.350 to 135.363, redevelopment tax credits or tax credits authorized under any tax credit program established by law after August 28, 2010, issued to a recipient which is subsequently found to contributed, directly or indirectly, to any committee within the two calendar years immediately preceding or following the date of filing the statement required under subsection 10 of section 135.802, shall be subject to recapture and such recipient shall repay an amount equal to any such credits which have been redeemed prior to such recapture.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Engler raised the point of order that **SA 6** is out of order as it goes beyond the scope of the title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Green offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 19, Section 105.961, Line 26 of said page, by striking “one hundred twenty” and inserting in lieu thereof the following: “**ninety**”; and

Further amend said bill and section, page 20, line 6 of said page, by striking “should” and inserting in lieu thereof the following: “**shall**”; and further amend lines 11-12 of said page, by striking “one hundred twenty” and inserting in lieu thereof the following: “**ninety**”; and further amend line 15 of said page, by striking “audit” and inserting in lieu thereof the following: “**investigation**”; and

Further amend said bill and section, page 22, line 15 of said page, by striking “7” and inserting in lieu thereof the following: “**8**”; and further amend lines 16-26 of said page, by striking all of said lines and inserting in lieu thereof the following: “**section.**”; and

Further amend said bill and section, page 23, line 23 of said page, by striking “civil action” and

inserting in lieu thereof the following: **“action of the commission”**; and further amend line 28 of said page, by inserting immediately after “proceedings” the following: **“in the circuit court of Cole County”**; and

Further amend said bill and section, page 24, line 12 of said page, by striking “The Missouri ethics”; and further amend lines 13-21 of said page, by striking all of said lines and inserting in lieu thereof the following:

**“6. After the commission determines by a vote of at least four members of the commission that a violation has occurred, other than a referral for criminal prosecution, and the commission has referred the findings and conclusions to the appropriate disciplinary authority over the person who is the subject of the report, or has taken an action under subsection 4 of this section, the subject of the report may appeal the determination of the commission to the circuit court of Cole County. Such appeal shall stay the action of the Missouri ethics commission. Such appeal shall be filed not later than the fourteenth day after the subject of the commission's action receives actual notice of the commission's action. If a petition for judicial review of a final order is not filed, the commission may file a certified copy of the final order with the circuit court of Cole County. When any order for fees under subsection 4 of this section becomes final, the commission may file a certified copy of the final order with the circuit court of Cole County. The order so filed shall have the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.”**; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, page 25, line 1 of said page, by inserting at the end of said line the following: **“If a petition for judicial review of a final order is not filed in accordance with subsection 5 of this section, the commission may file a certified copy of the final order with the circuit court of Cole County. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.”**; and

Further amend said bill and section, page 28, lines 22 and 23 of said page, by striking “until and if a report is filed with the commission”; and further amend line 24 of said page, by striking “The report”; and further amend lines 25-28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 29, line 1 of said page, by striking “such other person.”; and further amend line 23 of said page, by inserting immediately after said line the following:

**“105.966. 1. [Except as provided in subsection 2 of this section,] The ethics commission shall complete and make determinations pursuant to subsection 1 of section 105.961 on all complaint investigations[, except those complaint investigations assigned to a retired judge,] within ninety days of initiation.**

**2. [The commission may file a petition in the Cole County circuit court to request an additional ninety days for investigation upon proving by a preponderance of the evidence that additional time is needed. Upon filing the petition, the ninety-day period shall be tolled until the court determines whether additional time is needed.**

**3. The hearing shall be held in camera before the Cole County circuit court and all records of the proceedings shall be closed.**

**4. The provisions of this section shall apply to all ongoing complaint investigations on July 13, 1999.**

**5.] Any complaint investigation not completed and decided upon by the ethics commission within the time allowed by this section shall be deemed to not have been a violation.”**; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Engler raised the point of order that **SA 7** is out of order as it goes beyond the scope of the subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

**SA 7** was again taken up.

At the request of Senator Green, **SA 7** was withdrawn.

Senator Callahan offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 44, Section 130.031, Line 9, by inserting immediately after all of said line the following **“No committee of a candidate who has a committee for the purpose of paying a previously incurred campaign debt may transfer funds to any other committee for any purpose or reason until the previously incurred campaign debt is paid in full.”**

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 44, Section 130.031, Line 16 of said page, by inserting after all of said line the following:

**“130.035. No individual or corporation shall make any contributions in excess of an aggregate amount of forty thousand dollars in any two year period.”; and**

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Bray offered **SSA 1** for **SA 9**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 44, Section 130.031, Line 16 of said page, by inserting after all of said line the following:

**“130.032. 1. In addition to the limitations imposed pursuant to section 130.031, the amount of contributions made by or accepted from candidate committees, exploratory committees, campaign committees, continuing committees, political party committees, or any person other than the candidate in any one election shall not exceed the following:**

- (1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor, or attorney general, one thousand two hundred seventy-five dollars;**
- (2) To elect an individual to the office of state senator, six hundred fifty dollars;**
- (3) To elect an individual to the office of state representative, three hundred twenty-five dollars;**

**(4) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is under one hundred thousand, three hundred twenty-five dollars;**

**(5) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least one hundred thousand but less than two hundred fifty thousand, six hundred fifty dollars; and**

**(6) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least two hundred fifty thousand, one thousand two hundred seventy-five dollars.**

**2. For purposes of this subsection “base year amount” shall be the contribution limits prescribed in this section on January 1, 2011. Such limits shall be increased on the first day of January in each even-numbered year by multiplying the base year amount by the cumulative consumer price index, as defined in section 104.010, and rounded to the nearest twenty-five dollar amount.**

**3. Contributions from persons under fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any contribution limits prescribed in this chapter. Where the contributor under fourteen years of age has two custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and where such contributor has one custodial parent or guardian, all such contributions shall be attributed to the custodial parent or guardian.**

**4. Contributions received and expenditures made prior to August 28, 2010, shall be reported as a separate account and pursuant to the laws in effect at the time such contributions are received or expenditures made. Contributions received and expenditures made after August 28, 2010, shall be reported as a separate account from the aforementioned account and pursuant to the provisions of this chapter. The account reported pursuant to the prior law shall be retained as a separate account and any remaining funds in such account may be used pursuant to this chapter and section 130.034.**

**5. Any committee which accepts or gives contributions other than those allowed shall be subject to a surcharge of one thousand dollars plus an amount equal to the contribution per nonallowable contribution, to be paid to the ethics commission and which shall be transferred to the director of revenue, upon notification of such nonallowable contribution by the ethics commission, and after the candidate has had ten business days after receipt of notice to return the contribution to the contributor. The candidate and the candidate committee treasurer or deputy treasurer owing a surcharge shall be personally liable for the payment of the surcharge or may pay such surcharge only from campaign funds existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the state enforceable under, but not limited to, the provisions of chapter 143.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above substitute amendment be adopted, which motion failed.

**SA 9** was again taken up.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 10**:

## SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 19, Section 105.961, Line 26 of said page, by striking “one hundred twenty” and inserting in lieu thereof the following: “**ninety**”; and

Further amend said bill and section, page 20, line 6 of said page, by striking “should” and inserting in lieu thereof the following: “**shall**”; and further amend lines 11-12 of said page, by striking “one hundred twenty” and inserting in lieu thereof the following: “**ninety**”; and further amend line 15 of said page, by striking “audit” and inserting in lieu thereof the following: “**investigation**”; and

Further amend said bill and section, page 22, line 15 of said page, by striking “7” and inserting in lieu thereof the following: “**8**”; and further amend lines 16-26 of said page, by striking all of said lines and inserting in lieu thereof the following: “**section.**”; and

Further amend said bill and section, page 23, line 23 of said page, by striking “civil action” and inserting in lieu thereof the following: “**action of the commission**”; and further amend line 28 of said page, by inserting immediately after “proceedings” the following: “**in the circuit court of Cole County**”; and

Further amend said bill and section, page 24, line 12 of said page, by striking “The Missouri ethics”; and further amend lines 13-21 of said page, by striking all of said lines and inserting in lieu thereof the following:

**“6. After the commission determines by a vote of at least four members of the commission that a violation has occurred, other than a referral for criminal prosecution, and the commission has referred the findings and conclusions to the appropriate disciplinary authority over the person who is the subject of the report, or has taken an action under subsection 4 of this section, the subject of the report may appeal the determination of the commission to the circuit court of Cole County. Such appeal shall stay the action of the Missouri ethics commission. Such appeal shall be filed not later than the fourteenth day after the subject of the commission's action receives actual notice of the commission's action. If a petition for judicial review of a final order is not filed, the commission may file a certified copy of the final order with the circuit court of Cole County. When any order for fees under subsection 4 of this section becomes final, the commission may file a certified copy of the final order with the circuit court of Cole County. The order so filed shall have the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.”**; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, page 25, line 1 of said page, by inserting at the end of said line the following: “**If a petition for judicial review of a final order is not filed in accordance with subsection 5 of this section, the commission may file a certified copy of the final order with the circuit court of Cole County. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.**”; and

Further amend said bill and section, page 28, lines 22 and 23 of said page, by striking “until and if a report is filed with the commission”; and further amend line 24 of said page, by striking “The report”; and further amend lines 25-28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 29, line 1 of said page, by striking “such other person.”; and further amend line 23 of said page, by inserting immediately after said line the following:

“105.966. 1. [Except as provided in subsection 2 of this section,] The ethics commission shall complete and make determinations pursuant to subsection 1 of section 105.961 on all complaint investigations[, except those complaint investigations assigned to a retired judge,] within ninety days of initiation.

2. [The commission may file a petition in the Cole County circuit court to request an additional ninety days for investigation upon proving by a preponderance of the evidence that additional time is needed. Upon filing the petition, the ninety-day period shall be tolled until the court determines whether additional time is needed.

3. The hearing shall be held in camera before the Cole County circuit court and all records of the proceedings shall be closed.

4. The provisions of this section shall apply to all ongoing complaint investigations on July 13, 1999.

5.] Any complaint investigation not completed and decided upon by the ethics commission within the time allowed by this section shall be deemed to not have been a violation.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Ridgeway offered **SA 1** to **SA 10**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 10

Amend Senate Amendment No. 10 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 2, Line 12, by inserting after the word “County.” the following: “**The court shall conduct a de novo review of the determination of the commission.**”.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

**SA 10**, as amended, was again taken up.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 43, Section 130.031, Lines 15-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 44, lines 1-16 of said page, by striking all of said lines and inserting in lieu thereof the following:

**“13. No committee shall transfer any funds received by the committee to any other committee. Any violation of this subsection shall be punishable as follows:**

**(1) Any committee that transfers any funds received by the committee to any other committee shall be subject to a surcharge of one thousand dollars plus an amount equal to the transfer per nonallowable transfer. Such amount shall be paid to the ethics commission, and shall be transferred to the director of revenue upon notification of such nonallowable transfer by the ethics commission, and after the receiving committee has had ten business days after receipt of notice to return the transfer to the committee that transferred the funds. The committee treasurer or deputy treasurer**

**of a committee owing a surcharge shall be personally liable for the payment of the surcharge or may pay such surcharge only from committee funds existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the state enforceable under, but not limited to, the provisions of chapter 143;**

**(2) Any knowing and intentional transfer of funds in violation of this subsection shall be a class A misdemeanor.”.**

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Ridgeway offered **SA 12**, which was read:

#### SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 577, Page 20, Section 105.961, Line 11, by inserting after the word “for” the following: “**no more than two**”.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS No. 2** for **SCS** for **SB 577**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS No. 2** for **SCS** for **SB 577**, as amended, was declared perfected and ordered printed.

#### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 716** and **SB 824**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

#### INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Coaches Angie Bowman and Teresa Kearbey and members of the East Carter R-II School District girls varsity softball team.

Senator Days introduced to the Senate, Airman George Watson and Airman and Mrs. James L. Shipley, members of the Tuskegee Airmen; Trooper James Madison, Trooper Willie Jean Bailey, Trooper James West and Trooper Robert Hollienger, members of the Buffalo Soldiers; and William Davis, Ed King, (Ret.) Col. Len Nevels, George Dunmore, Barbara Baker, Phy-liss Brockman-Wynn and Debra Simmons.

Senator Stouffer introduced to the Senate, Aaron Dittmer, Keytesville.

Senator Cunningham introduced to the Senate, Ellen Broedankoetter, Manchester.

Senator Ridgeway introduced to the Senate, Ryan Trickey, North Kansas City.

Senator Pearce introduced to the Senate, two hundred-thirty international student representatives of Study Missouri Consortium from Columbia College, Drury University, Jefferson College, Lincoln University, Missouri Southern State University, Missouri State University, Missouri University of Science and Technology, Missouri Western State University, Moberly Area Community College, North Central Missouri College, Northwest Missouri State University, Park University, St. Louis Community College, Truman State University, University of Central Missouri, University of Missouri-Columbia, University of

Missouri-Kansas City, University of Missouri-St. Louis and Westminster College.

Senator Crowell introduced to the Senate, Matthew Myers, Sikeston.

Senator Keaveny introduced to the Senate, Teresa Wallace, St. Louis.

Senator Nodler introduced to the Senate, Courtney Rue, Greenfield.

Senator Mayer introduced to the Senate, Tyler Reynolds, Portageville; and Jessica Coleman, Clarkton.

Senator Green introduced to the Senate, his wife, Dr. Lisa Green and students from Goldfarb School of Nursing, St. Louis.

Senator Wilson introduced to the Senate, Amanda Soefje, Chamois.

Senator Wilson introduced to the Senate, Diana Van Blair, Omaha, Nebraska.

Senator Champion introduced to the Senate, representatives of Southwest Center for Independent Living, Branson.

Senator Vogel introduced to the Senate, Bryanna Rex, Tipton.

Senator Scott introduced to the Senate, Jackie Truitt, Larry Ferguson and Mark Sconce, Polk County.

Senator Scott introduced to the Senate, Thomas Haines, Stockton.

Senator Clemens introduced to the Senate, Morgan Kueckelhan, Boonville; and representatives of Missouri Young Cattlemen and Women.

Senator Days introduced to the Senate, Brianca Johnson, Normandy.

Senator Engler introduced to the Senate, Tammy King, Leadwood.

Senator Shoemyer introduced to the Senate, Jaylee Gooch, Vandalia; and Andrew McCall, St. Louis.

Senator Dempsey introduced to the Senate, representatives of Missouri Nurses Association.

Senator Schaefer introduced to the Senate, Christina Spellman, Christopher Reid and Emily Rickens, Columbia.

Senator Purgason introduced to the Senate, Haley Hamlin, Camdenton.

Senator Purgason introduced to the Senate, Tommy Martin, Thayer.

Senator Barnitz introduced to the Senate, Scott Peth, Owensville.

On behalf of Senator Lager, the President introduced to the Senate, Alisa Funk, Princeton; and Christian Fuller, Trenton.

On behalf of Senator Lager, the President introduced to the Senate, Kathleen Bandino and students from Northwest Missouri State University.

Senator Green introduced to the Senate, Coach Rich Nixon and members of the 2009 Class 6 State Champion Hazelwood Central High School football team.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. James J. Gibbons, M.D., St. Louis.

On motion of Senator Engler, the Senate adjourned under the rules.



SENATE CALENDAR

---

TWENTY-EIGHTH DAY—THURSDAY, FEBRUARY 25, 2010

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 988-Shoemyer and Clemens  
SB 989-Shoemyer  
SB 990-Scott  
SB 991-Scott  
SB 992-Clemens  
SB 993-Crowell  
SB 994-Crowell  
SB 995-Justus

SB 996-Justus  
SB 997-Scott and Shoemyer  
SB 998-Schaefer  
SB 999-Schaefer  
SB 1000-Green  
SB 1001-Griesheimer  
SB 1002-Wilson

HOUSE BILLS ON SECOND READING

HCS for HB 1377  
HCS for HB 1497  
HCS for HB 1675

HCS for HB 1750  
HCS for HBs 1311 & 1341

THIRD READING OF SENATE BILLS

1. SS for SB 618-Rupp (In Fiscal Oversight)  
2. SB 627-Justus (In Fiscal Oversight)  
3. SJR 20-Bartle (In Fiscal Oversight)  
4. SB 806-Bartle  
5. SB 686-Rupp  
6. SB 758-Rupp and Keaveny  
7. SB 629-Dempsey

8. SB 779-Bartle (In Fiscal Oversight)  
9. SB 621-Lager  
10. SCS for SB 636-Lembke  
11. SB 795-Mayer and Nodler  
12. SB 716-Goodman  
13. SB 824-Clemens

SENATE BILLS FOR PERFECTION

SBs 842, 799 & 809-Schmitt, with SCS  
SB 801-Rupp

SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SB 839-Wright-Jones, with SCS
SB 596-Callahan, with SCS (pending)	SJR 22-Callahan
SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)	SJR 29-Purgason and Cunningham, with SCS
SB 738-Crowell, with SCS	SJR 31-Scott
SB 754-Dempsey, with SCS	SJR 33-Bartle, with SA 1 (pending)
	SJR 40-Goodman, with SA 1 (pending)

## CONSENT CALENDAR

## Senate Bills

## Reported 2/4

SB 753-Dempsey	SB 649-Days and Wright-Jones
SB 669-Justus	SB 804-Schmitt
SB 668-Justus	

## Reported 2/11

SB 772-Scott, with SCS	SB 771-Scott
------------------------	--------------

## Reported 2/18

SB 782-McKenna, with SCS	SBs 812, 752 & 909-Schmitt, with SCS
SB 684-Rupp	SB 583-Champion, with SCS
SBs 841, 657 & 751-Schmitt, with SCS	SB 834-Rupp, with SCS

## RESOLUTIONS

## Reported from Committee

SCR 42-Bray, with SCA 1	SCR 33-Nodler
HCS for HCR 18 (Rupp)	SCR 46-Stouffer
SCR 34-Lembke, et al	

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTY-EIGHTH DAY—THURSDAY, FEBRUARY 25, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Therefore my heart is glad, and my soul rejoices; my body also rest secure.” (Psalm 16:9)

Lord God, as we finish up here and head home we are thankful that You have given us that special “homing instinct” that calls us back to family and home. You beckon us to be at home with You. So may we so live that we always feel at home with the people You have given us to love and with You our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers with Bass Pro Shops Communications were given permission to take pictures and video in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Champion offered Senate Resolution No. 1708, regarding Jeff Collins, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1709, regarding Olympic Gold Medalist Shawn Johnson, which was adopted.

Senator Pearce offered Senate Resolution No. 1710, regarding Judy Collins, which was adopted.

Senator Pearce offered Senate Resolution No. 1711, regarding Warrensburg Police Officer John H. Harrington, which was adopted.

Senator Schmitt offered Senate Resolution No. 1712, regarding John P. “JP” Payne, Fenton, which was adopted.

Senator Nodler offered the following resolution, which was read and adopted:

**SENATE RESOLUTION NO. 1713**

Whereas, the members of the Missouri Senate hold in high esteem those Show-Me State residents who bring glory and honor to themselves and to this great state through the excellence of their achievements in their chosen fields of endeavor; and

Whereas, Jamie McMurray, a native of Joplin, Missouri, has attained considerable distinction as a race car driver who has competed in the NASCAR Sprint Cup Series and the NASCAR RE/MAX Challenge Series; and

Whereas, Jamie McMurray enhanced his already impressive record of accomplishment when he raced to victory while driving for Earnhardt Ganassi Racing, on February 14, 2010, in the No. 1 Bass Pro Shops Chevrolet, around the 2.5-mile Daytona International Speedway in the 52<sup>nd</sup> Daytona 500, the biggest, richest, and most prestigious NASCAR-racing event in America; and

Whereas, the 2003 NASCAR Winston Cup Rookie of the Year, Jamie McMurray is in his eighth consecutive year driving in the NASCAR Sprint Cup Series; and

Whereas, Jamie McMurray won the Pepsi 400 at Daytona in 2007, the Infineon Pole in 2007, three Top-Five Finishes in 2007, nine Top-Ten Finishes in 2007, three Top-Five Finishes in 2006, ten Top-Ten Finishes in 2005, three nationwide series races in 2004, the Raybestos Rookie of the Year Award in 2003, First Pole at Homestead-Miami Speedway in 2003, thirteen Top-Ten Finishes in 2003, and he took first place in only his second start at the 2002 fall Cup race at Lowe’s Motor Speedway and set a new NASCAR modern-era record by becoming the quickest driver to win a Cup race; and

Whereas, Jamie McMurray has endeared himself to his hometown fans through his many acts of charity and by remaining humble despite his international celebrity:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fifth General Assembly, join to applaud the personal and professional accomplishments garnered thus far in the life and work of Jamie McMurray and to convey to him this legislative body’s most heartfelt congratulations upon winning the 52<sup>nd</sup> running of the Daytona 500; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Jamie McMurray of Joplin, Missouri.

Jamie McMurray assumed the dais and addressed the members of the body.

The President assumed the Chair.

Senators Champion and Nodler offered the following resolution, which was read and adopted:

**SENATE RESOLUTION NO. 1714**

Whereas, the members of the Missouri Senate feel it is altogether right and proper to pause from time to time to recognize outstanding Missourians who have distinguished themselves as business leaders and community leaders; and

Whereas, the members now pause to recognize John L. Morris, the owner and founder of Bass Pro Shops, also known as Outdoor World, a privately held sports equipment and outdoor recreation goods store headquartered in Springfield, Missouri; and

Whereas, enormously successful, Bass Pro Shops annually grosses an estimated \$1.9 billion in sales in fifty-four large retail stores in the United States, one in Vaughan, Ontario, Canada, and one near Calgary, Alberta, Canada; and

Whereas, John Morris began his career in sporting goods with a fishing section in the back of a Brown Derby liquor store owned by his father, located in Springfield on the road to Table Rock Lake and Branson, Missouri; and

Whereas, the small fishing department sold homemade bait and worms, proving so popular that many people wanted the opportunity to buy these when they had returned home, and thus began the Bass Pro Shops catalog first mailed in 1974, which soon became the world's largest mail order sporting goods store; and

Whereas, in November 2001, the state of Missouri made use of Outdoor World's popularity as a tourist destination and opened the Wonders of Wildlife museum next door to the store in Springfield; and

Whereas, Bass Pro Shops and John Morris have had a longtime interest in NASCAR racing, as Bass Pro Shops has sponsored such racers as Dale Earnhardt, Kerry Earnhardt, Martin Truex Jr., and most recently Jamie McMurray; and

Whereas, Jamie McMurray raced to victory while driving for Earnhardt Ganassi Racing, on February 14, 2010, in the No. 1 Bass Pro Shops Chevrolet, around the 2.5-mile Daytona International Speedway in the 52<sup>nd</sup> Daytona 500, the biggest, richest, and most prestigious NASCAR-racing event in America:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fifth General Assembly, extend our most sincere admiration to John Morris on his colossal commercial success and his on-going support of NASCAR racing; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to John L. Morris as a measure of our esteem.

Senator Bray offered Senate Resolution No. 1715, regarding Robyn Boling, which was adopted.

Senator Vogel offered Senate Resolution No. 1716, regarding Mary Wade, Jefferson City, which was adopted.

Senator Mayer assumed the Chair.

### **CONCURRENT RESOLUTIONS**

Senator Shoemyer offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 50**

WHEREAS, Spartan Light Metal Products has been an industry leader in magnesium custom die castings for the past 4 decades with the company being owned and operated as a family business since 1961 and employing over 600 people; and

WHEREAS, Spartan Light Metal Products provides die cast products from magnesium alloys that reduce weight and improve performance of products at competitive costs; and

WHEREAS, magnesium die castings, such as Spartan Light Metal Products, are being greatly harmed by the tariffs (731-TA-1071 and 731-TA-1072) that have been placed on imported magnesium alloys by the United States International Trade Commission; these tariffs allow the nation's lone magnesium producer to set whatever price it chooses for raw magnesium, driving many die cast companies out of business; and

WHEREAS, the tariffs have created an advantage for foreign competitors, who can purchase magnesium at globally-competitive prices and export finished products to U.S. markets free of penalties; and this practice replaces U.S. manufacturing jobs and could lead to bankruptcy for the industry; and

WHEREAS, the tariffs have also placed U.S. car manufacturers at a cost and weight disadvantage against foreign carmakers in meeting Corporate Average Fuel Economy requirements; and as a result, about 60% of Spartan Light Metal Products' magnesium business for 2011 is disappearing at a time when the demand for magnesium products is growing:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States President and Congress to find a creative solution to protect the nation's lone magnesium producer without destroying the United States magnesium die casting industry; and

BE IT FURTHER RESOLVED that the members further urge the United States President and Congress to lift U.S. tariffs 731-TA-1071 and 731-TA-1072 on die cast magnesium alloys from China and Russia or create a fair market by placing a similar tariff on imported assemblies and products made from die cast magnesium alloys; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States and the members of the Missouri congressional delegation.

Senator Stouffer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 51

WHEREAS, the State of Missouri contains 553 miles of the Missouri River, which borders 23 Missouri counties and over 50 Missouri communities, making it one of the State's greatest natural resources; and

WHEREAS, the General Assembly recognizes that eighteen power plants, which have the capacity to generate over 11,000 megawatts of electricity, draw cooling water from the lower Missouri River basin; and

WHEREAS, over half of Missouri citizens get their drinking water from the Missouri River and its alluvium, and the State of Missouri has constructed infrastructure to support water supply in the lower Missouri River with the understanding that reliable navigation flows would be maintained in the future; and

WHEREAS, Missouri is the origin or destination for over one-half of all commercial tonnage shipments on the Missouri River, with the Port of St. Louis, just downstream from where the Missouri enters the Mississippi River, being one of the largest inland ports in the United States; and

WHEREAS, the Missouri River is a vital link in the State of Missouri's total transportation system and the General Assembly wishes to maximize this valuable asset in order to move freight and to support our state's economy; and

WHEREAS, barge transport allows for significant economic benefits and cost savings, since one barge can transport the same amount of freight as 16 rail cars or 70 trucks; and

WHEREAS, river transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35 to 60 percent fewer pollutants than either trucks or trains; and

WHEREAS, barges are also the most fuel efficient method of freight transport; barges can move one ton of cargo 576 miles per gallon of fuel, compared to 413 miles per gallon of fuel for rail cars and only 155 miles per gallon of fuel for trucks; and

WHEREAS, the General Assembly recognizes that the State of Missouri is investing more of its resources to develop and improve public ports as intermodal connectors in the state, including those on the Missouri River; and

WHEREAS, in the Flood Control Act of 1944, as amended, the United States Congress authorized the construction of the Missouri River Mainstem Reservoir System for the federal purposes of flood control and navigation, with other authorized purposes including irrigation, power, water supply, water quality and recreation; and

WHEREAS, the June 4, 2003 and August 16, 2005 decisions of the United States Court of Appeals of the Eighth Circuit confirmed that navigation and flood control are the two dominant functions of the Flood Control Act of 1944; and

WHEREAS, the Missouri River is operated in accordance with the updated Missouri River Master Water Control Manual, which contains the management plan for the River and was adopted by the United States Army Corps of Engineers in 2004; and

WHEREAS, the Missouri General Assembly recognizes that the United States Army Corps of Engineers utilized extensive public processes to complete the 2004 Missouri River Master Water Control Manual and worked to balance the needs and desires of many competing stakeholder groups in establishing the Manual's navigation guidelines; and

WHEREAS, the 2004 Missouri River Master Water Control Manual was finalized after 15 years of debate and litigation and after the expenditure of over \$35 million in federal funds; and

WHEREAS, the 2004 Missouri River Master Water Control Manual reduced the length of the navigation season, shifting a large amount of water away from navigation and other downstream uses of the Missouri River to benefit upstream uses, such as reservoir recreation; and

WHEREAS, despite the opposition of Missouri's congressional delegation, the Omnibus Appropriations Act of 2009 authorized the United States Army Corps of Engineers to conduct the Missouri River Authorized Purposes Study at a total cost of \$25,000,000, which will review the original authorized purposes from the Flood Control Act of 1944 and will determine if changes to those purposes and existing Federal water resources infrastructure may be warranted; and

WHEREAS, the United States Army Corps of Engineers began conducting the Missouri River Authorized Purposes Study in October of 2009; and

WHEREAS, the scope of the Missouri River Authorized Purposes Study, as defined by the United States Army Corps of Engineers, exceeds the scope of the Congressional authority for the study, in that the Corps intends to develop recommendations and alternatives to the authorized purposes that Congress did not request; and

WHEREAS, federal taxpayers' dollars should not be wasted to develop recommendations and alternatives that Congress did not authorize; and

WHEREAS, the Consolidated Appropriations Act of 2010 authorized the United States Department of Transportation to conduct an independent and comprehensive study and analysis at a total cost of \$2,000,000 to supplement the Missouri River Authorized Purposes Study and to develop a comprehensive understanding of the full value of river flow support to users in the Mississippi and Missouri Rivers; and

WHEREAS, the Consolidated Appropriations Act of 2010 also authorized the Missouri Department of Transportation to conduct a Missouri River Freight Corridor Study at a total cost of \$900,000, which will examine how to increase freight tonnage moved on the Missouri River, long-term development opportunities along the Missouri River corridor and ways to better use Missouri waterways to relieve infrastructure stress and congestion; and

WHEREAS, at times the Missouri River provides over sixty percent of the water in the Mississippi River that passes St. Louis; and

WHEREAS, if the navigability of the Mississippi River is negatively impacted between the confluence of the Missouri and Mississippi Rivers and the confluence of the Ohio and Mississippi Rivers, barges would no longer be able to travel from the far northern portions of the Mississippi River to the Gulf of Mexico, which would devastate the barge industry, the agricultural industry and the transportation system as a whole; and

WHEREAS, it is imperative that the Missouri River Authorized Purposes Study consider Mississippi River navigation when evaluating if changes to the authorized purposes are warranted:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby express their continued opposition to the Missouri River Authorized Purposes Study; and

BE IT FURTHER RESOLVED that the members hereby express their opposition to the alteration of the Missouri River's primary purposes of navigation and flood control; and

BE IT FURTHER RESOLVED that the members hereby urge the Missouri's congressional delegation to actively oppose funding the Missouri River Authorized Purposes Study in future fiscal years; and

BE IT FURTHER RESOLVED that the members hereby urge the United States Army Corps of Engineers to narrow the scope of the Missouri River Authorized Purposes Study to make it consistent with Congressional authority; and

BE IT FURTHER RESOLVED that the members hereby urge the United States Army Corps of Engineers to include Mississippi River navigation in any evaluation of the authorized purposes under the Missouri River Authorized Purposes Study; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the United States Army Corps of Engineers and the members of the Missouri congressional delegation.

Senator Lager offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 52

WHEREAS, the Missouri State government is an institution that is empowered by the will and consent of the people of Missouri; and

WHEREAS, the elected and appointed officials of the state of Missouri must recognize that the tax dollars expended by the state belong to the people of the state; and

WHEREAS, during the spring of 2009, for the 2008 tax year, Missouri state taxpayers did not receive their tax refunds in a timely manner; and

WHEREAS, taxpayers were told by the Department of Revenue that there were processing delays and there were not enough staff to handle requests; and

WHEREAS, however, the monies that are rightly owed back to the taxpayers, were held at length without the consent of the taxpayers to cover budget shortfalls; and

WHEREAS, many tax refunds were not completed until the late summer of 2009; and

WHEREAS, while taxpayers are held to their obligations to pay taxes on time, the state did not honor the obligation to return taxpayer money to the taxpayers in a timely fashion; and

WHEREAS, tax refunds are the result of overpayment of taxes and those overpayments do not belong to the state, but to the people:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, recognizes that tax refunds lawfully belong to the people and that the Governor and the Department of Revenue must ensure that income tax refunds are processed and returned in a timely manner, that the tax dollars owed to the people are not to be used under false pretenses; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor and the Director of the Department of Revenue.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 1003**—By Pearce.

An Act to repeal section 324.1112, RSMo, section 324.1106 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, and section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and to enact in lieu thereof two new sections relating to private investigator licensing.

**SB 1004**—By Schaefer.

An Act to repeal section 568.045, RSMo, and to enact in lieu thereof one new section relating to endangering the welfare of a child in the first degree, with penalty provisions.

**SB 1005**—By Schaefer.

An Act to repeal sections 563.011, 563.031, 571.070, 571.101, and 571.104, RSMo, and to enact in lieu thereof five new sections relating to criminal justice, with penalty provisions.

**SB 1006**—By Schaefer.

An Act to repeal sections 640.100 and 701.033, RSMo, and to enact in lieu thereof six new sections relating to water quality.

**SB 1007**—By Dempsey.

An Act to repeal sections 208.010, 208.166, 208.909, and 208.918, RSMo, and to enact in lieu thereof five new sections relating to public assistance programs administered by the state.

**SB 1008**—By Bray.

An Act to repeal sections 700.650, 700.653, 700.656, 700.659, 700.665, 700.668, 700.674, 700.683, 700.686, and 700.689, RSMo, and to enact in lieu thereof eleven new section relating to expanding the manufactured home installation act to include modular unit installations.

**SB 1009**—By Bray.

An Act to amend chapter 192, RSMo, by adding thereto five new sections relating to a health care quality report card.

**SB 1010**—By Bray.

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to emergency care



for sexual assault victims, with penalty provisions.

**SB 1011**—By Griesheimer.

An Act to repeal section 137.720, RSMo, and to enact in lieu thereof one new section relating to reimbursements for costs incurred in the assessment of property for tax purposes.

**SB 1012**—By Lager.

An Act to amend chapter 644, RSMo, by adding thereto one new section relating to water quality laboratory testing.

**SB 1013**—By Lembke.

An Act to repeal section 434.100, RSMo, and to enact in lieu thereof one new section relating to the treatment of indemnification and hold harmless clauses within construction work contracts.

**SB 1014**—By Bartle.

An Act to repeal section 566.067, RSMo, and to enact in lieu thereof one new section relating to crime, with penalty provisions.

**SB 1015**—By Clemens.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to local food sales permits.

### THIRD READING OF SENATE BILLS

**SB 806**, introduced by Senator Bartle, entitled:

An Act to amend chapters 43 and 537, RSMo, by adding thereto two new sections relating to pornography.

Was taken up.

On motion of Senator Bartle, **SB 806** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 686**, introduced by Senator Rupp, entitled:

An Act to repeal section 138.431, RSMo, and to enact in lieu thereof one new section relating to hearing officers for appeals before the state tax commission.

Was taken up.

On motion of Senator Rupp, **SB 686** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 758**, introduced by Senators Rupp and Keaveny, entitled:

An Act to repeal section 70.373, RSMo, and to enact in lieu thereof one new section relating to interstate compact agencies.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SB 758** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Green	Griesheimer	Justus	Keaveny	Lembke	McKenna	Pearce	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Vogel	Wilson	Wright-Jones—23	

NAYS—Senators

Barnitz	Bartle	Crowell	Goodman	Lager	Mayer	Nodler	Purgason
Ridgeway	Scott	Stouffer—11					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 629**, introduced by Senator Dempsey, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Missouri healthy workplace recognition program.

Was taken up.

On motion of Senator Dempsey, **SB 629** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 621**, introduced by Senator Lager, entitled:

An Act to repeal section 327.272, RSMo, and to enact in lieu thereof two new sections relating to digital cadastral parcel mapping.

Was taken up.

On motion of Senator Lager, **SB 621** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 636**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 636

An Act to repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to the payment of health insurance claims, with an effective date.

Was taken up by Senator Lembke.

Senator Dempsey assumed the Chair.

On motion of Senator Lembke, **SCS for SB 636** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 795**, introduced by Senators Mayer and Nodler, entitled:

An Act to repeal sections 319.306 and 319.321, RSMo, and to enact in lieu thereof two new sections relating to blasting safety, with a penalty provision.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SB 795** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 716**, introduced by Senator Goodman, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special event motor vehicle auction licenses, with penalty provisions.

Was taken up.

On motion of Senator Goodman, **SB 716** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 824**, introduced by Senator Clemens, entitled:

An Act to repeal sections 267.565 and 267.600, RSMo, and to enact in lieu thereof two new sections relating to diseased animals.

Was taken up.

On motion of Senator Clemens, **SB 824** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that

the Senate do give its advice and consent to the following:

Daniel Osborn and Benjamin Lampert, Republicans, as members of the State Board of Registration for the Healing Arts;

Also,

Devorah Goldenberg, as a member of the Holocaust Education and Awareness Commission;

Also,

Teresa M. Wallace, as a member of the Child Abuse and Neglect Review Board;

Also,

Christopher E. Egbert, as a member of the Corrections Officer Certification Commission;

Also,

Kenneth Meyer, as a member of the Missouri Wine and Grape Board;

Also,

Donald Yarber, Democrat, as a member of the Missouri Public Entity Risk Management Board of Trustees;

Also,

David Zimmermann and Jack Baker, Democrats, as members of the Air Conservation Commission.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SCRs 35** and **32**, begs leave to report that it has examined the same and finds that the concurrent resolution has been duly enrolled and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 577**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **SIGNING OF CONCURRENT RESOLUTIONS**

The President Pro Tem announced that all other business would be suspended and **SCS** for **SCRs 35** and **32**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

**REPORTS OF STANDING COMMITTEES**

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 773**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 777**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 818**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 630**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 915**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 863**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 862**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 808**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was



referred **SB 791**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 774**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 625**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 767**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 793**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 920**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Veterans' Affairs, Pensions and Urban Affairs, submitted the following report:

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 896**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 781**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 820**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 687**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 778**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 844**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 852**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HB 1544**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 685**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 900**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 897**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 768**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 614**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dempsey assumed the Chair.

#### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **HCS** for **HB 1540** and requests the Senate to recede from its position and take up and pass **HCS** for **HB 1540**.

### PRIVILEGED MOTIONS

Senator Crowell moved that the Senate recede from its position on **SA 1** to **HCS** for **HB 1540**, which motion prevailed.

On motion of Senator Crowell, **HCS** for **HB 1540** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

#### NAYS—Senators—None

Absent—Senator Lembke—1

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

#### NAYS—Senators—None

Absent—Senator Lembke—1

Absent with leave—Senator Purgason—1

Vacancies—None

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1498**, entitled:

An Act to repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to the payment of health insurance claims, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1741**, entitled:

An Act to repeal section 351.340, RSMo, and to enact in lieu thereof one new section relating to board meetings of corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 988**—Agriculture, Food Production and Outdoor Resources.

**SB 989**—Jobs, Economic Development and Local Government.

**SB 990**—Financial and Governmental Organizations and Elections.

**SB 991**—Financial and Governmental Organizations and Elections.

**SB 992**—Agriculture, Food Production and Outdoor Resources.

**SB 993**—General Laws.

**SB 994**—Financial and Governmental Organizations and Elections.

**SB 995**—Health, Mental Health, Seniors and Families.

**SB 996**—Health, Mental Health, Seniors and Families.

**SB 997**—Education.

**SB 998**—Judiciary and Civil and Criminal Jurisprudence.

**SB 999**—Jobs, Economic Development and Local Government.

**SB 1000**—Appropriations.

**SB 1001**—General Laws.

**SB 1002**—Jobs, Economic Development and Local Government.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kevin A. Barker, 223 County Road 302, Linn, Osage County, Missouri 65051, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2010, and until his successor is duly appointed and qualified; vice, Roger D. Beamer, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Alvin L. Brooks, Democrat, 3717 Southern Hills Drive, Kansas City, Jackson County, Missouri 64109, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2011, and until his successor is duly appointed and qualified; vice, James B. Wilson, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mary L. Buren, 5520 Central, Kansas City, Jackson County, Missouri 64113, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Mary L. Buren, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joan S. Eberhardt, 16 Williamsburg Road, Creve Coeur, Saint Louis County, Missouri 63141, as a member of the State Advisory Council

on Emergency Medical Services, for a term ending January 5, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Larry D. Evert, 710 Maywood Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2011, and until his successor is duly appointed and qualified; vice, Jim Wieberg, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard Ewing, 713 Homestead Drive, Moberly, Randolph County, Missouri 65270, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2011, and until his successor is duly appointed and qualified; vice, Richard Ewing, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Keith Gary, 17619 South Merriott Road, Pleasant Hill, Cass County, Missouri 64080, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2013, and until his successor is duly appointed and qualified; vice, Keith Gary, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cynthia L. Heislen, Democrat, 1507 Independence Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Community Service Commission, for a term ending December 12, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John J. Puetz, 16265 Quail Valley Drive, Wildwood, Saint Louis County, Missouri 63005, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 8, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gwendolyn Y. Richards, 5823 East 98<sup>th</sup> Court, Kansas City, Jackson County, Missouri 64134, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Gwendolyn Y. Richards, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Helen J. Sandkuhl, 4943 Shaw Avenue, Saint Louis City, Missouri 63110, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2012, and until her successor is duly appointed and qualified; vice, Helen J. Sandkuhl, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Larry D. Spence, Republican, 3200 County Road 5430, Willow Springs, Howell County, Missouri 65793, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees, for a term ending July 15, 2012, and until his successor is duly appointed and qualified; vice, Larry D. Spence, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

President Pro Tem Shields assumed the Chair.

**SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 1540**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

**RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 1717, regarding the Ninetieth Birthday of Faye Margaret Barnes, Galena, which was adopted.

Senator Goodman offered Senate Resolution No. 1718, regarding Roaring River Hatchery, Cassville, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, Jamie McMurray, his wife, Christy, John Morris, Martin MacDonald, Jarrod England and Peter Laatz.

Senator Justus introduced to the Senate, Marilyn Hines and eighth grade students from Academie Lafayette, Kansas City.

Senator Schaefer introduced to the Senate, Dr. Marte Bock, Columbia.

Senator Champion introduced to the Senate, Jeanie and John L. Morris, Springfield.

Senator Goodman introduced to the Senate, Mrs. Lennon and fourteen students from Branson Junior High School.



Senator Wright-Jones introduced to the Senate, forty students and chaperones from Imagine Academy of Academic Success, St. Louis.

Senator Crowell introduced to the Senate, Virginia Sander and eighth grade students from St. Vincent DePaul, Cape Girardeau.

Senator Griesheimer introduced to the Senate, students from St. Clair High School, Franklin County.

Senator Shoemyer introduced to the Senate, students from Holy Rosary School, Monroe City.

Senator Justus introduced to the Senate, students from Brookside Math and Science Charter School, Kansas City.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, March 1, 2010.

## SENATE CALENDAR

---

TWENTY-NINTH DAY—MONDAY, MARCH 1, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1003-Pearce  
SB 1004-Schaefer  
SB 1005-Schaefer  
SB 1006-Schaefer  
SB 1007-Dempsey  
SB 1008-Bray  
SB 1009-Bray

SB 1010-Bray  
SB 1011-Griesheimer  
SB 1012-Lager  
SB 1013-Lembke  
SB 1014-Bartle  
SB 1015-Clemens

### HOUSE BILLS ON SECOND READING

HCS for HB 1377  
HCS for HB 1497  
HCS for HB 1675  
HCS for HB 1750

HCS for HBs 1311 & 1341  
HCS for HB 1498  
HB 1741-Pratt

### THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)  
SB 627-Justus (In Fiscal Oversight)  
SJR 20-Bartle (In Fiscal Oversight)

SB 779-Bartle (In Fiscal Oversight)  
SS#2 for SCS for SB 577-Shields

## SENATE BILLS FOR PERFECTION

- |  |                                  |
|--|----------------------------------|
| 1. SBs 842, 799 & 809-Schmitt, with SCS                          | 9. SB 793-Mayer, et al, with SCS |
| 2. SB 801-Rupp   | 10. SB 896-Shields and Crowell   |
| 3. SBs 895, 813, 911, 924, 922 &<br>802-Dempsey, et al, with SCS | 11. SB 781-McKenna, with SCS     |
| 4. SB 773-Dempsey  | 12. SB 852-Lager, et al          |
| 5. SB 818-Lembke, with SCS                                       | 13. SB 685-Rupp, with SCS        |
| 6. SB 630-Cunningham, with SCS                                   | 14. SB 900-Rupp                  |
| 7. SB 774-Lembke, with SCS                                       | 15. SB 897-Lager                 |
| 8. SB 767-Bartle   | 16. SB 768-Bartle                |
|  | 17. SB 614-Wilson                |

## HOUSE BILLS ON THIRD READING

HCS for HB 1544, with SCS

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 579-Shields, with SCS                                       | SB 839-Wright-Jones, with SCS            |
| SB 596-Callahan, with SCS (pending)                            | SJR 22-Callahan                          |
| SBs 607, 602, 615 & 725-Stouffer, with<br>SCS & SA 1 (pending) | SJR 29-Purgason and Cunningham, with SCS |
| SB 738-Crowell, with SCS                                       | SJR 31-Scott                             |
| SB 754-Dempsey, with SCS                                       | SJR 33-Bartle, with SA 1 (pending)       |
|  | SJR 40-Goodman, with SA 1 (pending)      |

## CONSENT CALENDAR

## Senate Bills

Reported 2/4

- |                |                              |
|----------------|------------------------------|
| SB 753-Dempsey | SB 649-Days and Wright-Jones |
| SB 669-Justus  | SB 804-Schmitt               |
| SB 668-Justus  |                              |

Reported 2/11

- |                        |              |
|------------------------|--------------|
| SB 772-Scott, with SCS | SB 771-Scott |
|------------------------|--------------|

Reported 2/18

SB 782-McKenna, with SCS

SB 684-Rupp

SBs 841, 657 & 751-Schmitt, with SCS

SBs 812, 752 & 909-Schmitt, with SCS

SB 583-Champion, with SCS

SB 834-Rupp, with SCS

Reported 2/25

SB 777-Pearce, with SCS

SB 915-Barnitz, with SCS

SB 863-Callahan, with SCS

SB 862-Callahan, with SCS

SB 808-Callahan, with SCS

SB 791-Griesheimer

SB 625-Justus and Keaveny, with SCS

SB 920-Keaveny, with SCS

SB 820-McKenna

SB 687-Wright-Jones

SB 778-Pearce, with SCS

SB 844-Shields

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1

HCS for HCR 18 (Rupp)

SCR 34-Lembke, et al

SCR 33-Nodler

SCR 46-Stouffer

To be Referred

SCR 50-Shoemyer

SCR 51-Stouffer

SCR 52-Lager

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTY-NINTH DAY—MONDAY, MARCH 1, 2010**

---

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“The man who regards life...as meaningless is not merely unfortunate but almost disqualified for life.” (Albert Einstein)

Almighty God, we are thankful for this new day and new week. We give You thanks for the opportunity to bring thought and energy to the tasks we face this week for it gives us purpose and reason for what we do here. We are thankful that we recognize the importance of each meeting and how it plays into what needs to be accomplished. We desire only to serve and so ask that You might direct our efforts and guide our actions and our words so that what happens here we may be proud and never ashamed. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 25, 2010 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Mayer offered Senate Resolution No. 1719, regarding Michael B. Hazel, Caruthersville, which was adopted.

Senator Wilson offered Senate Resolution No. 1720, regarding Mrs. Sybil R. Daniels, which was adopted.

Senator Crowell offered Senate Resolution No. 1721, regarding Tyler Tuschhoff, which was adopted.

Senator Crowell offered Senate Resolution No. 1722, regarding Denzil J. Brown, which was adopted.

Senator Crowell offered Senate Resolution No. 1723, regarding Donald Butteler III, which was adopted.

Senator Crowell offered Senate Resolution No. 1724, regarding Daniel McElreath, which was adopted.

Senator Crowell offered Senate Resolution No. 1725, regarding Cody Moore, which was adopted.

Senator Crowell offered Senate Resolution No. 1726, regarding Adam LeGrand, which was adopted.

Senator Crowell offered Senate Resolution No. 1727, regarding John McLain, which was adopted.

Senator Crowell offered Senate Resolution No. 1728, regarding Jonathan Henson, which was adopted.

Senator Crowell offered Senate Resolution No. 1729, regarding Jason Krueger, which was adopted.

Senator Crowell offered Senate Resolution No. 1730, regarding Joseph R. Wolsey, which was adopted.

Senator Crowell offered Senate Resolution No. 1731, regarding Jesse Hurt, which was adopted.

Senator Crowell offered Senate Resolution No. 1732, regarding Sebastian Starrett, which was adopted.

Senator Crowell offered Senate Resolution No. 1733, regarding the One Hundredth Birthday of Altheda Schmelig, Altenburg, which was adopted.

Senator Crowell offered Senate Resolution No. 1734, regarding Kenneth Tiffany, which was adopted.

Senator Crowell offered Senate Resolution No. 1735, regarding Gregory Sprenger, which was adopted.

Senator Justus offered Senate Resolution No. 1736, regarding Valentine Apartments, Kansas City, which was adopted.

Senator Cunningham offered Senate Resolution No. 1737, regarding Flexway Trucking, Inc., Hazelwood, which was adopted.

Senator Cunningham offered Senate Resolution No. 1738, regarding Dr. David K. Bernard, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1739, regarding Thierry Laurent Kennel, Olivette, which was adopted.

Senator Bartle offered Senate Resolution No. 1740, regarding E.J. "Jim" Hess, Grain Valley, which was adopted.

Senator Purgason offered Senate Resolution No. 1741, regarding Alicen Rothermich, Willow Springs, which was adopted.

Senator Purgason offered Senate Resolution No. 1742, regarding Toney and Kathleen Aid, West Plains, which was adopted.

Senator Schmitt offered the following resolution:

SENATE RESOLUTION NO. 1743

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2010 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability and the Missouri Planning Council for Developmental Disabilities, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly, hereby grant the 2010 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Tuesday, July 27, 2010, from 1:00 p.m. to 3:30 p.m. for the purpose of holding a mock legislative session.

Senator Schmitt requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1743** up for adoption, which request was granted.

On motion of Senator Schmitt, **SR 1743** was adopted.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 1016**—By Mayer.

An Act to repeal sections 105.716, 143.621, 143.631, 143.831, 143.841, 144.083, 144.230, 144.240, 144.261, and 147.040, RSMo, and to enact in lieu thereof fifteen new sections relating to the collection of delinquent taxes, with penalty provisions.

**SB 1017**—By Mayer.

An Act to repeal sections 198.439, 208.437, and 338.550, RSMo, and to enact in lieu thereof three new sections relating to certain provider taxes, with expiration dates.

**SB 1018**—By Nodler.

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to nonprofit fee offices.

**SB 1019**—By Barnitz.

An Act to repeal sections 348.400, 348.407, and 348.412, RSMo, and to enact in lieu thereof three new sections relating to agricultural business development loans.

**SB 1020**—By Barnitz.

An Act to repeal section 620.515, RSMo, and to enact in lieu thereof one new section relating to the hero at home program.

**SB 1021**—By Shoemyer.

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school make up days due to incidence of the 2009 H1N1 influenza virus, with an emergency clause.

**SB 1022**—By Stouffer.

An Act to repeal sections 383.130 and 383.133, RSMo, and to enact in lieu thereof three new sections relating to requirements of entities employing certain licensed health care professionals.

**SB 1023**—By Cunningham.

An Act to repeal section 197.060, RSMo, and to enact in lieu thereof one new section relating to the criteria for hospital licensure.

**SB 1024**—By Cunningham.

An Act to repeal sections 168.021, 168.102, 168.106, and 168.221, RSMo, and to enact in lieu thereof fourteen new sections relating to teachers.

**SB 1025**—By Goodman.

An Act to repeal section 208.010, RSMo, and to enact in lieu thereof one new section relating to trusts to pay for funeral services, facilities, or merchandise.

**SB 1026**—By Rupp.

An Act to repeal section 288.040, RSMo, and to enact in lieu thereof one new section relating to the denial of unemployment benefits.

**SB 1027**—By Rupp.

An Act to repeal sections 226.952, 226.957, and 226.971, RSMo, and to enact in lieu thereof three new sections relating to the highway corridor preservation process.

**SB 1028**—By Rupp.

An Act to repeal section 140.100, RSMo, and to enact in lieu thereof one new section relating to penalties for tax-delinquent lands.

**SB 1029**—By Rupp.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to conducting a study on dangerous rural lettered highways in Missouri.

**SB 1030**—By Rupp.

An Act to amend chapter 337, RSMo, by adding thereto ten new sections relating to the licensure of the profession of applied behavior analysis, with penalty provisions.

**SB 1031**—By Bray.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 379.810, 379.815, 379.820, 379.825, 379.830, 379.840, 379.845, 379.850, 379.855, 379.860, 379.865, 379.870, 379.875, and 379.880, RSMo, and to enact in lieu thereof eighteen new sections relating to property insurance.

**SB 1032**—By Bray.

An Act to repeal sections 409.6-601 and 409.6-607, RSMo, and to enact in lieu thereof two new sections relating to whistleblower protection for reporting securities violations.

**SB 1033**—By Bray.

An Act to repeal sections 160.400 and 160.405, RSMo, and to enact in lieu thereof two new sections relating to charter schools.

**SB 1034**—By Bray.

An Act to repeal section 67.280, RSMo, and to enact in lieu thereof four new sections relating to state construction codes.

**SB 1035**—By Bray.

An Act to repeal section 431.068, RSMo, and to enact in lieu thereof one new section relating to blood donations by minors.

**SB 1036**—By Bray.

An Act to amend chapter 135, RSMo, by adding thereto eighteen new sections relating to senior citizen homestead deferral of taxes.

**SB 1037**—By Bray.

An Act to repeal sections 260.035 and 260.080, RSMo, and to enact in lieu thereof eleven new sections relating to financing by municipalities for energy improvements.

**SB 1038**—By Bray.

An Act to repeal section 207.060, RSMo, and to enact in lieu thereof one new section relating to county offices within the department of social services.

**SB 1039**—By Pearce.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to elementary and secondary education standards.

**SB 1040**—By Schaefer.

An Act to repeal section 260.965, RSMo, and to enact in lieu thereof one new section relating to the regulation of dry-cleaning facilities.

**SB 1041**—By Schmitt.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax incentives for purchases of tangible business property by small businesses.

**SB 1042**—By Schmitt.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the office of the MO HealthNet inspector general.

**SB 1043**—By Schmitt.

An Act to amend chapters 135, 148, and 376, RSMo, by adding thereto nine new sections relating to health insurance.

**SB 1044**—By Schmitt.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to the establishment of a consumer health information portal.

**SB 1045**—By Wright-Jones.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to unlawful use of



weapons.

**SB 1046**—By Wright-Jones.

An Act to repeal section 167.031, RSMo, and to enact in lieu thereof one new section relating to school attendance age.

**SB 1047**—By Wright-Jones.

An Act to repeal section 542.301, RSMo, and to enact in lieu thereof one new section relating to the disposition of unclaimed seized property.

**SB 1048**—By Crowell.

An Act to amend chapters 104 and 476, RSMo, by adding thereto six new sections relating to retirement plans for certain state employees, state officials, and judges.

**SB 1049**—By Crowell.

An Act to repeal sections 104.081, 476.520, 476.535, 476.545, and 476.690, RSMo, and to enact in lieu thereof eight new sections relating to retirement plans for certain state employees, state officials, and judges.

**SB 1050**—By Crowell.

An Act to amend chapter 104, RSMo, by adding thereto eight new sections relating to creating a company to manage investments for public retirement systems.

**SB 1051**—By Crowell.

An Act to repeal section 105.456, RSMo, and to enact in lieu thereof one new section relating to conflicts of interest for legislators.

**SB 1052**—By Crowell.

An Act to repeal section 105.456, RSMo, and to enact in lieu thereof one new section relating to conflicts of interest for legislators.

**SB 1053**—By Crowell.

An Act to repeal sections 100.265 and 215.020, RSMo, and to enact in lieu thereof two new sections relating to conflicts of interest for statewide elected officials.

**SB 1054**—By Crowell.

An Act to repeal sections 135.800 and 135.802, RSMo, and to enact in lieu thereof three new sections relating to the receipt of tax credits by campaign contributors.

**SB 1055**—By Crowell.

An Act to repeal sections 105.711, 105.716, and 105.726, RSMo, and to enact in lieu thereof three new sections relating to the state legal expense fund.

**SB 1056**—By Crowell.

An Act to repeal section 208.471, RSMo, and to enact in lieu thereof two new sections relating to MO HealthNet provider taxes.

**SB 1057**—By Shields.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to the reduction and reorganization of programs within certain state departments.

**SB 1058**—By Shields.

An Act to repeal section 67.456, RSMo, and to enact in lieu thereof one new section relating to neighborhood improvement district bonds.

**SB 1059**—By Shields.

An Act to repeal section 630.060, RSMo, and to enact in lieu thereof one new section relating to the department of mental health's cooperation agreements with other agencies and groups.

**SB 1060**—By Bartle.

An Act to repeal sections 478.240, 478.245, and 517.081, RSMo, and to enact in lieu thereof three new sections relating to court procedures.

**SB 1061**—By Bartle.

An Act to repeal sections 208.080 and 454.475, RSMo, and to enact in lieu thereof two new sections relating to the appeals process for programs administered by the department of social services.

**SB 1062**—By Schmitt.

An Act to amend chapter 191, RSMo, by adding thereto three new sections relating to health care data standardization and transparency, with penalty provisions.

**SB 1063**—By Clemens.

An Act to amend chapter 324, RSMo, by adding thereto sixteen new sections relating to the licensing of clinical laboratory science personnel, with penalty provisions.

**SB 1064**—By Lembke.

An Act to repeal section 137.073, RSMo, and to enact in lieu thereof one new section relating to property taxes.

**SB 1065**—By Lager.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the reduction and reorganization of programs within certain state departments, with an expiration date.

**SJR 43**—By Mayer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to creation of tax free zones.

**SJR 44**—By Shields.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 12 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to reducing the number of state departments.

Senator Stouffer assumed the Chair.

### SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SB 842, SB 799 and SB 809**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 842, 799 and 809**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 842, 799 and 809

An Act to repeal section 208.215, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet division's authority to collect from third-party payors.

Was taken up.

Senator Schmitt moved that **SCS** for **SBs 842, 799 and 809** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **SBs 842, 799 and 809** was declared perfected and ordered printed.

Senator Rupp moved that **SB 801** be taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 801** was declared perfected and ordered printed.

At the request of Senator Dempsey, **SB 895, SB 813, SB 911, SB 924, SB 922 and SB 802**, with **SCS**, were placed on the Informal Calendar.

Senator Dempsey moved that **SB 773** be taken up for perfection, which motion prevailed.

On motion of Senator Dempsey, **SB 773** was declared perfected and ordered printed.

President Kinder assumed the Chair.

### THIRD READING OF SENATE BILLS

**SB 753**, introduced by Senator Dempsey, entitled:

An Act to repeal section 214.160, RSMo, and to enact in lieu thereof one new section relating to the investment of certain cemetery trust funds.

Was called from the Consent Calendar and taken up.

On motion of Senator Dempsey, **SB 753** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson—31	

#### NAYS—Senators—None

#### Absent—Senators

Lembke              Wright-Jones—2

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Dempsey assumed the Chair.

**SB 669**, introduced by Senator Justus, entitled:

An Act to repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a sales tax to fund public safety improvements.

Was called from the Consent Calendar and taken up.

On motion of Senator Justus, **SB 669** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—30		

NAYS—Senator Cunningham—1

Absent—Senators

Green              Lembke—2

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 668**, introduced by Senator Justus, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

Was called from the Consent Calendar and taken up.

On motion of Senator Justus, **SB 668** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—29			

## NAYS—Senator Cunningham—1

## Absent—Senators

Crowell	Green	Lembke—3
---------	-------	----------

## Absent with leave—Senator Vogel—1

## Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 649**, introduced by Senators Days and Wright-Jones, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Girl Scout day.

Was called from the Consent Calendar and taken up by Senator Days.

On motion of Senator Days, **SB 649** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—31	

## NAYS—Senators—None

## Absent—Senators

Green	Lembke—2
-------	----------

## Absent with leave—Senator Vogel—1

## Vacancies—None

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 804**, introduced by Senator Schmitt, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to epilepsy awareness day.

Was called from the Consent Calendar and taken up.

On motion of Senator Schmitt, **SB 804** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green              Lembke—2

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 772**, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal section 166.420, RSMo, and to enact in lieu thereof one new section relating to the minimum time for holding investments in the Missouri higher education savings program.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 772**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 772

An Act to repeal sections 166.420 and 166.532, RSMo, and to enact in lieu thereof one new section relating to higher education savings programs.

Was taken up.

Senator Scott moved that **SCS** for **SB 772** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 772** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—30		

## NAYS—Senator Engler—1

## Absent—Senators

Green	Lembke—2
-------	----------

## Absent with leave—Senator Vogel—1

## Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 771**, introduced by Senator Scott, entitled:

An Act to repeal sections 110.140, 110.150, and 110.170, RSMo, and to enact in lieu thereof three new sections relating to depositaries for public funds, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 771** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—31	

## NAYS—Senators—None

## Absent—Senators

Green	Lembke—2
-------	----------

## Absent with leave—Senator Vogel—1

## Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 782**, with **SCS**, introduced by Senator McKenna, entitled:

An Act to amend chapter 32, RSMo, by adding thereto one new section relating to the authority of the department of revenue to provide certain statutory notifications by electronic mail.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 782**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 782

An Act to amend chapter 32, RSMo, by adding thereto one new section relating to the authority of the department of revenue to provide certain statutory notifications by electronic mail, with an effective date.

Was taken up.

Senator McKenna moved that **SCS** for **SB 782** be adopted, which motion prevailed.

Senator McKenna moved that **SCS** for **SB 782** be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Shields referred **SCS** for **SB 782** to the Committee on Governmental Accountability and Fiscal Oversight.

**SB 684**, introduced by Senator Rupp, entitled:

An Act to repeal section 453.170, RSMo, and to enact in lieu thereof one new section relating to adoptions occurring in a foreign country.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 684** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.



Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 841**, introduced by Senator Schmitt, **SB 657**, introduced by Senator Mayer and **SB 751**, introduced by Senator Lembke, with **SCS**, entitled respectively:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to memorial highway designations.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Were called from the Consent Calendar and taken up by Senator Schmitt.

**SCS** for **SBs 841, 657** and **751**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 841, 657 and 751

An Act to repeal section 227.303, RSMo, and to enact in lieu thereof four new sections relating to memorial highway designations.

Was taken up.

Senator Schmitt moved that **SCS** for **SBs 841, 657** and **751** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **SBs 841, 657** and **751** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 812**, introduced by Senator Schmitt, **SB 752**, introduced by Senator Lembke and **SB 909**, introduced by Senator Green, with **SCS**, entitled respectively:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license

plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a special license plate.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to specialized license plates.

Were called from the Consent Calendar and taken up by Senator Schmitt.

**SCS for SBs 812, 752 and 909**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 812, 752 and 909**

An Act to amend chapter 301, RSMo, by adding thereto three new sections relating to special license plates.

Was taken up.

Senator Schmitt moved that **SCS for SBs 812, 752 and 909** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS for SBs 812, 752 and 909** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 583**, with **SCS**, introduced by Senator Champion, entitled:

An Act to repeal sections 375.932, 375.936, 376.1100, and 376.1109, RSMo, and to enact in lieu thereof five new sections relating to the regulation of the insurance market for the protection of senior citizens.

Was called from the Consent Calendar and taken up.

**SCS for SB 583**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 583

An Act to repeal section 376.1109, RSMo, and to enact in lieu thereof two new sections relating to the refund of unearned premiums on certain cancelled insurance policies.

Was taken up.

Senator Champion moved that **SCS for SB 583** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS for SB 583** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 834**, with **SCS**, introduced by Senator Rupp, entitled:

An Act to repeal section 375.1175, RSMo, and to enact in lieu thereof one new section relating to the liquidation of certain domestic insurance companies.

Was called from the Consent Calendar and taken up.

**SCS for SB 834**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 834

An Act to repeal section 375.1175, RSMo, and to enact in lieu thereof one new section relating to the liquidation of certain domestic insurance companies.

Was taken up.

Senator Rupp moved that **SCS for SB 834** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 834** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green                Scott—2

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 773**; **SB 801**; and **SCS** for **SBs 842, 799 and 809**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Charles Adams, Democrat, 220 State Highway C, Senath, Dunklin County, Missouri 63876, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2012 and until his successor is duly appointed and qualified; vice, Sharon Oetting, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patrice E. Boehler, Democrat, 19078 Bear Trail Road, Glencoe, Saint Louis County, Missouri 63038 , as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2011, and until her successor is duly appointed and qualified; vice, Thomas F. Myers, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daniel Buxton, Democrat, 1942 Highway H, Farmington, Saint Francois County, Missouri 63640, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2011, and until his successor is duly appointed and qualified; vice, Richard Frueh, deceased.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Kyle W. Drury, Republican, 2437 Wimbledon Estates Drive, Festus, Jefferson County, Missouri 63028, as a member of the Dam and Reservoir Safety Council, for a term ending April 03, 2010, and until his successor is duly appointed and qualified; vice, Gerald Engemann, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael R. Foresman, Republican, 901 Stonebrook Manors Court, Saint Louis, Saint Louis County, Missouri 63122, as a member of

the Hazardous Waste Management Commission, for a term ending April 3, 2013 and until his successor is duly appointed and qualified; vice, Gregory B. Canuteson, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 26, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Larry D. Evert to the Missouri Genetic Advisory Committee, submitted on February 24, 2010. Line 2 should be amended as follows:

“member of the Missouri Genetic Advisory Committee, for a term ending April”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 26, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of John J. Puetz to the Missouri Genetic Advisory Committee, submitted on February 24, 2010. Line 2 should be amended as follows:

“63005, as a member of the Missouri Genetic Advisory Committee, for a term”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments and addendums to the Committee on Gubernatorial Appointments.

**REFERRALS**

President Pro Tem Shields referred **SCR 50**, **SCR 51** and **SCR 52** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1544**, with **SCS**, entitled:

An Act to repeal section 288.062, RSMo, and to enact in lieu thereof one new section relating to unemployment compensation, with an emergency clause.

Was taken up by Senator Pearce.

**SCS for HCS for HB 1544**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1544**

An Act to repeal sections 288.062 and 288.500, RSMo, and to enact in lieu thereof two new sections relating to unemployment compensation, with an emergency clause.

Was taken up.

Senator Pearce moved that **SCS for HCS for HB 1544** be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS for HCS for HB 1544** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senator Vogel—1

Vacancies—None

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

Senator Dempsey moved that **SB 754**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 754**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 754**

An Act to repeal sections 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, and 214.550, RSMo, and to enact in lieu thereof twenty-nine new sections relating to cemeteries, with penalty provisions.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 754** be adopted.

Senator Shoemyer offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 754, Page 1, Section A, Line 9, by inserting immediately after all of said line the following:

**“137.1040. 1. In addition to other levies authorized by law, the county commission in counties not adopting an alternative form of government and the proper administrative body in counties adopting an alternative form of government, or the governing body of any city, town, or village, in their discretion may levy an additional tax, not to exceed one quarter of one cent on each one hundred dollars assessed valuation, on all taxable real property located within such city, town, village, or county, all of such tax to be collected and allocated to the city, town, village, or county treasury, where it shall be known and designated as the “Cemetery Maintenance Trust Fund” to be used for the upkeep and maintenance of cemeteries located within such city, town, village, or county.**

**2. To the extent necessary to comply with article X, section 22(a) of the Missouri Constitution, for any city, town, village, or county with a tax levy at or above the limitations provided under article X, section 11(b), no ordinance adopted under this section shall become effective unless the county commission or proper administrative body of the county, or governing body of the city, town, or village submits to the voters of the city, town, village, or county at a state general, primary, or special election a proposal to authorize the imposition of a tax under this section. The tax authorized under this section shall be levied and collected in the same manner as other real property taxes are levied and collected within the city, town, village, or county. Such tax shall be in addition to all other taxes imposed on real property, and shall be stated separately from all other charges and taxes. Such tax shall not become effective unless the county commission or proper administrative body of the county or governing body of the city, town, or village, by order or ordinance, submits to the voters of the county a proposal to authorize the city, town, village, or county to impose a tax under this section on any day available for such city, town, village, or county to hold elections or at a special election called**



for that purpose.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

“Shall ..... (insert the name of the city, town, village, or county) impose a tax on all real property situated in ..... (name of the city, town, village, or county) at a rate of ..... (insert rate not to exceed one quarter of one cent per one hundred dollars assessed valuation) for the sole purpose of providing funds for the maintenance, upkeep, and preservation of city, town, village, or county cemeteries?”

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the city, town, village, or county collector. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. The tax imposed under this section shall be known as the “Cemetery Maintenance Tax”. Each city, town, village, or county imposing a tax under this section shall establish separate trust funds to be known as the “Cemetery Maintenance Trust Fund”. The city, town, village, or county treasurer shall deposit the revenue derived from the tax imposed under this section for cemetery purposes in the city, town, village, or county cemetery maintenance trust fund. The proceeds of such tax shall be appropriated by the county commission or appropriate administrative body, or the governing body of the city, town, or village exclusively for the maintenance, upkeep, and preservation of cemeteries located within the jurisdiction of such commission or body.

5. All applicable provisions in this chapter relating to property tax shall apply to the collection of any tax imposed under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey moved that **SCS for SB 754**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS for SB 754**, as amended, was declared perfected and ordered printed.

## RESOLUTIONS

Senator Shields offered Senate Resolution No. 1744, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

### SENATE RESOLUTION NO. 1744

#### NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, Second Regular Session, that Senate Rules 94, 95, 96, 97, 98, 99, 100, 101, and 102, be amended to read as follows:

“Rule 94. On or before January 15th of each year, every employee of the senate, including employees of individual senators and the majority and minority caucuses, that has earned income of five thousand dollars or more during the previous calendar year, apart from income earned from the senate, shall file a statement with the secretary of the senate. Such statement shall consist only of all

**sources of non-senate income and the general nature of the business conducted in connection with such income. The actual monetary amount of such income shall not be provided. The provisions of this rule shall not apply to duly elected members of the senate.**

**Rule 95.** No person except members of the house of representatives, former members of the senate, the governor, the secretary of state, the state auditor, the state treasurer, judges of the supreme court, courts of appeals or circuit courts, attorney general and the congress, shall be admitted within the senate chamber during the sitting of the senate, unless invited by the senate; except that the seats at the north and south ends of the senate chamber may be reserved for spouses and families of members of the senate, and other persons may be admitted to the senate chamber on special request of any senator when the senate is in session. Access to the third floor rear gallery shall be limited to senators during the hours in which the senate is engaged in floor session. Any use of the gallery when the senate is not in session must be approved by the Chairman of the Committee on Administration.

**Rule [95] 96.** No senator shall absent himself or herself from the session of the senate unless he or she has leave or is sick or unable to attend. A member who is absent from the chamber for attendance at a standing committee meeting, or a conference committee meeting shall be shown as absent with leave (committee). It shall be the responsibility of the member to advise the secretary of the senate of his or her attendance at such committee meeting.

**Rule [96] 97.** 1. Laptop computers may be used by the press at the press table and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.

**Rule [97] 98.** In cases not provided for in these rules, the senate shall be governed by the rules laid down in the practice and procedures adopted by the Senate of the United States and Jefferson's Manual, including the U.S. Senate practice that a substitute amendment to a first degree amendment is subject to a second degree perfecting amendment.

**Rule [98] 99.** No standing rule or order of the senate shall be rescinded or changed without one day's notice being given of the motion thereof, which notice shall be printed in the journal of the senate, and then only by a vote of at least a majority of the senators elected; except that any rule, including this rule, may be suspended for a special purpose, stated in the motion to suspend, by a vote of a two-thirds majority of the members elected to the senate, and such rule shall remain suspended only until the senate proceeds to the consideration of business other than that for which the rule was suspended. Upon one day's notice of the proposed rule change having been given, the senate resolution adopting such rule change shall not be assigned to a committee without consent of the sponsoring senator and shall be in order to be considered by the senate at any day or time thereafter upon motion of the sponsor during the order of business of Resolutions.

**Rule [99] 100.** No senator shall be permitted to interrupt a roll call and no senator shall be allowed to change his or her vote after a verification is requested by any senator, or after the final vote is announced. When verification is requested, any senator within the chamber who has not voted shall vote prior to the verification of the roll.

**Rule [100] 101.** A roll call vote of the senate shall be taken upon any question at the request of five senators.

**Rule [101] 102.** All senate committees shall meet on call of the chairman and the regular meetings of the committees shall be held at the times and places designated by the Committee on Administration.

**Rule [102] 103.** Public introduction of guests shall not be allowed in the Senate Chamber during the last ten calendar days of the session. At other times, the introduction of guests shall be the order of business at the beginning of each daily meeting of the Senate and immediately prior to daily adjournment.”.

## **CONCURRENT RESOLUTIONS**

Senator Purgason offered the following concurrent resolution:

### **SENATE CONCURRENT RESOLUTION NO. 53**

WHEREAS, in the American system, sovereignty is defined as final authority, and the people, not government, are sovereign; and

WHEREAS, the founders of the Constitution created an ingenious template of checks and balances, with divisions and distributions of

power to provide for and protect the highest sovereignty--that of each individual citizen; and

WHEREAS, the people of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes only and retained sovereignty for the states and each individual citizen over all other purposes; and

WHEREAS, the Founding Fathers determined that equal representation of the states in the Senate of the United States recognized the individual sovereignty of each state and provided an impediment against encroachment into the sovereignty of the states by the federal government; and

WHEREAS, James Madison, in the Federalist Papers, No. 62, wrote on the appointment of senators by the state legislatures that it gives the "...State governments such an agency in the formation of the federal government as must secure the authority of the former..."; and

WHEREAS, because of the differing modes of representation and election in the House and Senate prior to 1913, each branch provided a more perfect balance of legislative power against, and an independent check upon, the other; and

WHEREAS, James Madison explained this independent check against improper acts of legislation in Federalist Papers, No. 62, "No law or resolution can now be passed, without the concurrence, first, of a majority of the people, and then of a majority of the States."; and

WHEREAS, the ratification of the 17th Amendment in 1913 changed the election of the United States Senators from the state legislatures to the popular vote of the people of the states, thereby divesting the states of any direct voice in the federal government and has diluted the power of the separate states, unbalanced federalism, and has resulted in the increased power of the federal government; and

WHEREAS, the Congress of the United States has, since the ratification of the 17th Amendment, steadily encroached upon the sovereignty of this and the other states united by and under the Constitution of the United States; and

WHEREAS, a Senator's general responsibility should be, as intended by our founders, to represent state government and the state legislature; and

WHEREAS, the state legislature has a role in compelling accountability from United States Senators:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby declare defective the current process of choosing United States Senators, request Congress to transmit for consideration by the states of the United States, an amendment to the 17th Amendment to the United States Constitution that provides for state legislatures to elect members of the United States Senate; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri congressional delegation.

**Senator Purgason offered the following concurrent resolution:**

**SENATE CONCURRENT RESOLUTION NO. 54**

WHEREAS, the governor in his budget plan for 2011 relied on \$300 million in funds from the federal government that have not been approved by Congress and may never come to fruition; and

WHEREAS, revenues in Missouri continue to fall well below estimates prepared by the state, forcing the governor to cut funds already appropriated by the legislature in order to balance the budget; and

WHEREAS, at the same time revenues have declined, state government has grown over the years, producing unnecessary programs and inefficient allocations of funds; and

WHEREAS, the Missouri General Assembly through careful planning must identify inefficient and unnecessary areas of government spending in order to ensure the state's resources are being put to a use that most benefits the citizens of this state:

NOW THEREFORE BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Reducing the Size of State Government; and

BE IT FURTHER RESOLVED that the Committee shall be charged with the following:

1. Examining each department, and agency within each department, to determine programs or bureaucracies within such department that should be eliminated or reduced; and

2. Developing recommendations, strategies and plans for:

(1) Reducing the size of state government;

(2) Identifying inefficient and unnecessary uses of state funds;

(3) Addressing budget shortfalls; and

(4) Other areas that the Committee determines are vital to reducing the size of state government; and

3. Reporting its recommendations to the House Budget Committee and the Senate Appropriations Committee by December 31, 2010; and

4. Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Committee shall be composed of ten members, three majority party members, and two minority party members of the Senate, to be appointed by the President Pro Tem of the Senate, and three majority party members and two minority party members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-fifth General Assembly through December 31, 2010; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, political subdivisions of this State, and the general public; and

BE IT FURTHER RESOLVED that the staffs of Senate Appropriations, Senate Research, House Appropriations, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 1066**—By Wright-Jones.

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof seven new sections relating to state contracts.

**SB 1067**—By Shields.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the joint committee on Missouri's promise.

## **COMMUNICATIONS**

Senator Crowell submitted the following:

February 26, 2010

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building – Room 325  
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

**SB 777**—Allows for the sale of deficiency waiver addendums and guaranteed asset protection products under certain conditions

**SB 808** - Modifies compensation and continuing education requirements for public administrators

**SB 791** - Modifies provisions pertaining to sewer districts

SB 625 - Modifies provisions on child care subsidies

SB 920 - Specifies how tenancy by the entirety property is treated when transferred to certain trusts

SB 687 - Requires official motor vehicle inspection and emission stations to have liability insurance to cover any possible damages to a vehicle during an inspection

SB 778 - Removes an expiration date on state universities being able to convey land without authorization from the General Assembly

SB 844 - Allows statewide officials to request the office of administration to determine the lowest and best bidders for their purchasing, printing, and service contracts

Thank you.

Sincerely,  
/s/ Jason G. Crowell  
Jason G. Crowell  
State Senator

Also,

February 26, 2010

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building – Room 325  
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bill be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SB820 - Updates Missouri's traffic laws to reflect that the majority of pedestrian control signals now display the international symbols for pedestrian control.

Thank you.

Sincerely,  
/s/ Jason G. Crowell  
Jason G. Crowell  
State Senator

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

THIRTIETH DAY—TUESDAY, MARCH 2, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1003-Pearce  
SB 1004-Schaefer  
SB 1005-Schaefer

SB 1006-Schaefer  
SB 1007-Dempsey  
SB 1008-Bray

SB 1009-Bray	SB 1040-Schaefer
SB 1010-Bray	SB 1041-Schmitt
SB 1011-Griesheimer	SB 1042-Schmitt
SB 1012-Lager	SB 1043-Schmitt
SB 1013-Lembke	SB 1044-Schmitt
SB 1014-Bartle	SB 1045-Wright-Jones
SB 1015-Clemens	SB 1046-Wright-Jones
SB 1016-Mayer	SB 1047-Wright-Jones
SB 1017-Mayer	SB 1048-Crowell
SB 1018-Nodler	SB 1049-Crowell
SB 1019-Barnitz	SB 1050-Crowell
SB 1020-Barnitz	SB 1051-Crowell
SB 1021-Shoemyer	SB 1052-Crowell
SB 1022-Stouffer	SB 1053-Crowell
SB 1023-Cunningham	SB 1054-Crowell
SB 1024-Cunningham	SB 1055-Crowell
SB 1025-Goodman	SB 1056-Crowell
SB 1026-Rupp	SB 1057-Shields
SB 1027-Rupp	SB 1058-Shields
SB 1028-Rupp	SB 1059-Shields
SB 1029-Rupp	SB 1060-Bartle
SB 1030-Rupp	SB 1061-Bartle
SB 1031-Bray	SB 1062-Schmitt
SB 1032-Bray	SB 1063-Clemens
SB 1033-Bray	SB 1064-Lembke
SB 1034-Bray	SB 1065-Lager
SB 1035-Bray	SB 1066-Wright-Jones
SB 1036-Bray	SB 1067-Shields
SB 1037-Bray	SJR 43-Mayer
SB 1038-Bray	SJR 44-Shields
SB 1039-Pearce	

## HOUSE BILLS ON SECOND READING

HCS for HB 1377	HCS for HBs 1311 & 1341
HCS for HB 1497	HCS for HB 1498
HCS for HB 1675	HB 1741-Pratt
HCS for HB 1750	

## THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)  
 SB 627-Justus (In Fiscal Oversight)  
 SJR 20-Bartle (In Fiscal Oversight)  
 SB 779-Bartle (In Fiscal Oversight)

SS#2 for SCS for SB 577-Shields  
 SB 773-Dempsey  
 SB 801-Rupp  
 SCS for SBs 842, 799 & 809-Schmitt

## SENATE BILLS FOR PERFECTION

1. SB 818-Lembke, with SCS
2. SB 630-Cunningham, with SCS
3. SB 774-Lembke, with SCS
4. SB 767-Bartle
5. SB 793-Mayer, et al, with SCS
6. SB 896-Shields and Crowell
7. SB 781-McKenna, with SCS

8. SB 852-Lager, et al
9. SB 685-Rupp, with SCS
10. SB 900-Rupp
11. SB 897-Lager
12. SB 768-Bartle
13. SB 614-Wilson

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
 SB 596-Callahan, with SCS (pending)  
 SBs 607, 602, 615 & 725-Stouffer, with  
   SCS & SA 1 (pending)  
 SB 738-Crowell, with SCS  
 SB 839-Wright-Jones, with SCS  
 SBs 895, 813, 911, 924, 922 &  
   802-Dempsey, et al, with SCS

SJR 22-Callahan  
 SJR 29-Purgason and Cunningham, with SCS  
 SJR 31-Scott  
 SJR 33-Bartle, with SA 1 (pending)  
 SJR 40-Goodman, with SA 1 (pending)

## CONSENT CALENDAR

Senate Bills

Reported 2/18

SCS for SB 782-McKenna (In Fiscal Oversight)

Reported 2/25

SB 915-Barnitz, with SCS  
SB 863-Callahan, with SCS

SB 862-Callahan, with SCS

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18 (Rupp)  
SCR 34-Lembke, et al

SCR 33-Nodler  
SCR 46-Stouffer

To be Referred

SCR 53-Purgason

SCR 54-Purgason

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTIETH DAY—TUESDAY, MARCH 2, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It is in the deed that God reveals himself in life.” (Leo Baeck)

Merciful Father, we grow a sense that the world is shrinking for what happens in one place effects the lives of people in another land. We saw the response to help when Haiti was decimated and now Chile and our people wish again to relieve suffering. In such acts of mercy we know Your desire and Your will for us is to be compassionate to our neighbors and in the deeds You reveal Your presence. May You bless our efforts and may You be an ever present comfort to Your hurting people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Shields offered Senate Resolution No. 1745, regarding Brett Robert Keegan, which was adopted.

Senator Shields offered Senate Resolution No. 1746, regarding Building #2, Western Tablet & Stationery Company, St. Joseph, which was adopted.

Senator Crowell offered Senate Resolution No. 1747, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Crites, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1748, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Flannery, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1749, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. Fred Moyers, Cape Girardeau, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred SCS for **SB 754**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## SENATE BILLS FOR PERFECTION

Senator Lembke moved that **SB 818**, with SCS, be taken up for perfection, which motion prevailed.

SCS for **SB 818**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 818

An Act to repeal sections 116.010, 116.020, 116.030, 116.040, 116.050, 116.060, 116.080, 116.090, 116.100, 116.120, 116.130, 116.175, 116.180, 116.190, and 116.332, RSMo, and to enact in lieu thereof fifteen new sections relating to initiative and referendum petitions, with penalty provisions.

Was taken up.

Senator Dempsey assumed the Chair.

Senator Schmitt assumed the Chair.

Senator Lembke moved that SCS for **SB 818** be adopted.

At the request of Senator Lembke, **SB 818**, with SCS (pending), was placed on the Informal Calendar.

Senator Cunningham moved that **SB 630**, with SCS, be taken up for perfection, which motion prevailed.

SCS for **SB 630**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 630

An Act to repeal sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311,

408.015, 408.250, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, and to enact in lieu thereof twenty-nine new sections relating to manufactured homes, with penalty provisions.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 630** be adopted.

Senator Cunningham offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 630, Page 1, In the Title, Line 7, by inserting after the word “provisions” the following: “and an effective date”; and

Further amend said bill, page 64, section 700.539, line 17, by inserting after all of said line the following:

“Section B. The repeal of sections 700.530, 700.531, 700.533, 700.535, 700.537, and 700.539, the repeal and reenactment of sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, and 700.630, and the enactment of sections 442.015, 700.526, and 700.528, of this act shall become effective March 1, 2011.”.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SCS** for **SB 630**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **SB 630**, as amended, was declared perfected and ordered printed.

Senator Lembke moved that **SB 774**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 774**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 774**

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to department of mental health protection measures, with penalty provisions.

Was taken up.

Senator Lembke moved that **SCS** for **SB 774** be adopted.

Senator Bray offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 774, Page 2, Section 565.086, Line 30, by inserting immediately after said line the following:

“630.220. For all debts and demands whatsoever to any of the residential facilities or day programs subject to the control of the department, and for all damages for failure of contract, for trespass and other wrongs to a facility operated by the department, or any of its property thereof, real or personal, actions in any court of competent jurisdiction may be maintained in the name of the director. Interest shall be

recovered on any and all sums due any facility or program operated or funded by the department on account of any patient or resident thereof, the account therefor, certified by the [head of the facility, with the seal of the institution attached,] **director or his or her designee** shall be prima facie evidence of the amount due.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Lembke moved that **SCS** for **SB 774**, as amended, be adopted, which motion prevailed.

On motion of Senator Lembke, **SCS** for **SB 774**, as amended, was declared perfected and ordered printed.

Senator Bartle moved that **SB 767** be taken up for perfection, which motion prevailed.

On motion of Senator Bartle, **SB 767** was declared perfected and ordered printed.

**SB 793**, with **SCS**, was placed on the Informal Calendar.

### **REFERRALS**

President Pro Tem Shields referred **SCR 53** and **SCR 54** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Shields referred **SCS** for **SBs 842, 799** and **809** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Engler, the Senate recessed until 2:45 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Callahan.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 47**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 767**; **SCS** for **SB 630**; and **SCS** for **SB 774**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 1750, regarding Jim Hendrickson, Cape Girardeau, which was adopted.

Senator Bartle offered Senate Resolution No. 1751, regarding Alexander Ramsey Eschmann, Lee’s Summit, which was adopted.

Senator Barnitz offered Senate Resolution No. 1752, regarding the Crocker R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1753, regarding the Waynesville R-VI School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1754, regarding the Rolla 31 School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1755, regarding the St. James R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1756, regarding the Osage County R-III School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1757, regarding the Osage County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1758, regarding the Osage County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1759, regarding the Montgomery County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1760, regarding the Wellsville Middletown R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1761, regarding the Maries County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1762, regarding the Gasconade County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1763, regarding the Gasconade County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1764, regarding the North Wood R-IV School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1765, regarding the Sullivan School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1766, regarding the Dent-Phelps R-III School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1767, regarding the Green Forest R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1768, regarding the Salem R-80 School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1769, regarding the Crawford County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1770, regarding the Fortieth Anniversary of the Rolla

Area Sheltered Workshop, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Shoemyer introduced to the Senate, representatives of Kraft Foods.

Senator Shoemyer introduced to the Senate, W. Thomas Lemons, D.D.S., Palmyra.

Senator Pearce introduced to the Senate, Diann R. White, Robert R. Gaines, Robert M. V. Gaines, Ken Buell, Glen Coleman, Kevin and Leslie Iseman, Hannah Bartholomew, Erin Wagner, Alex Olsen and Scott White, representatives of Cass County Extension.

Senator Rupp introduced to the Senate, Cheryl Wood and her children, Katie and Jack, Homeschoolers from St. Charles; and Katie and Jack were made honorary pages.

Senator Schaefer introduced to the Senate, Jeremy Brant, Tipton.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Christopher Young, M.D., Ladue.

On behalf of Senator Stouffer and himself, Senator Scott introduced to the Senate, Lydia Doctorian and her children, Elayna and Evan, Homeschoolers from Macon.

Senator Ridgeway introduced to the Senate, Meredith Brinkow, Helen Alpern, Cynthia Hughes and representatives of Clay County Extension.

Senator Ridgeway introduced to the Senate, Dr. Melinda Daniel and representatives of MSTa, Clay County.

Senator Cunningham introduced to the Senate, Kimberly Koechner, Tipton.

Senator Lembke introduced to the Senate, Elaine Pontius and her daughter, Tatiana, Homeschoolers from South St. Louis County; and Tatiana was made an honorary page.

Senator Dempsey introduced to the Senate, Dr. Larry Davis, St. Charles.

Senator Schmitt and Senator Lembke introduced to the Senate, the Jones and the Schmidt families, Homeschoolers from South St. Louis County.

Senator McKenna introduced to the Senate, ninth grade students from Festus High School.

Senator Schaefer introduced to the Senate, Coaches Craig Brumfield and Steve Humphreys and members of the Daniel Boone National League Little League All-Stars, Connor Brumfield, Ben Humphreys, Matt Echelmeier, Eric Kuse, Carter Gerling, Nick Vandegriffe, Vincent Milburn, Andrew Wooldridge, Josh Ripley, Sam Giles, Dirk Adams and Joe Barbee, Boone County.

Senator Scott introduced to the Senate, Mel, Lila and Brock Jenkins; and Charlene, Christine and Heather Huff, Pittsburg.

Senator Engler introduced to the Senate, Lt. Col. Wenninger and members of Farmington ROTC.

Senator Schmitt introduced to the Senate, Paul Ward, Kirkwood.

Senator Wright-Jones introduced to the Senate, John Haigler, Bill Luster, Jacque Land and representatives of One Hundred Black Men, St. Louis.

Senator Wright-Jones introduced to the Senate, Bob and Jill Johnson and their children, Brandon and Miriam, Homeschoolers from St. Louis.

Senator Crowell introduced to the Senate, forty-four ninth grade students from St. Vincent's School, Perryville.

Senator Barnitz introduced to the Senate, Wanda Rehagen, Sharon Breese and members of Fatima Team Spirit, Tanner Buschmann, Aleesa Breese, Shelbi Becker, Kelsey Boehm, Nolan Greer, Taylor Otto, Kyle Tellman, Ethan Mueller and Emily Wildhaber.

Senator Rupp introduced to the Senate, Karla Boyer and her daughter, Lexie, Homeschoolers from O'Fallon.

Senator McKenna introduced to the Senate, Shannon Patricia-Grace and Ryan Taylor Dickson, Lilyana and Logan Schafer, Noah Alan and Emma Rose Sandidge, and Drew and Delaney Dodd, Homeschoolers from Imperial; and Shannon, Ryan, Lilyana, Logan, Noah, Emma, Drew and Delaney were made honorary pages.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

THIRTY-FIRST DAY–WEDNESDAY, MARCH 3, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1003-Pearce	SB 1023-Cunningham
SB 1004-Schaefer	SB 1024-Cunningham
SB 1005-Schaefer	SB 1025-Goodman
SB 1006-Schaefer	SB 1026-Rupp
SB 1007-Dempsey	SB 1027-Rupp
SB 1008-Bray	SB 1028-Rupp
SB 1009-Bray	SB 1029-Rupp
SB 1010-Bray	SB 1030-Rupp
SB 1011-Griesheimer	SB 1031-Bray
SB 1012-Lager	SB 1032-Bray
SB 1013-Lembke	SB 1033-Bray
SB 1014-Bartle	SB 1034-Bray
SB 1015-Clemens	SB 1035-Bray
SB 1016-Mayer	SB 1036-Bray
SB 1017-Mayer	SB 1037-Bray
SB 1018-Nodler	SB 1038-Bray
SB 1019-Barnitz	SB 1039-Pearce
SB 1020-Barnitz	SB 1040-Schaefer
SB 1021-Shoemyer	SB 1041-Schmitt
SB 1022-Stouffer	SB 1042-Schmitt

SB 1043-Schmitt	SB 1057-Shields
SB 1044-Schmitt	SB 1058-Shields
SB 1045-Wright-Jones	SB 1059-Shields
SB 1046-Wright-Jones	SB 1060-Bartle
SB 1047-Wright-Jones	SB 1061-Bartle
SB 1048-Crowell	SB 1062-Schmitt
SB 1049-Crowell	SB 1063-Clemens
SB 1050-Crowell	SB 1064-Lembke
SB 1051-Crowell	SB 1065-Lager
SB 1052-Crowell	SB 1066-Wright-Jones
SB 1053-Crowell	SB 1067-Shields
SB 1054-Crowell	SJR 43-Mayer
SB 1055-Crowell	SJR 44-Shields
SB 1056-Crowell	

#### HOUSE BILLS ON SECOND READING

HCS for HB 1377	HCS for HBs 1311 & 1341
HCS for HB 1497	HCS for HB 1498
HCS for HB 1675	HB 1741-Pratt
HCS for HB 1750	

#### THIRD READING OF SENATE BILLS

- |   |  |
|---|--|
| 1. SS for SB 618-Rupp (In Fiscal Oversight) | 8. SCS for SBs 842, 799 & 809-Schmitt<br>(In Fiscal Oversight) |
| 2. SB 627-Justus (In Fiscal Oversight)      | 9. SCS for SB 754-Dempsey                                      |
| 3. SJR 20-Bartle (In Fiscal Oversight)      | 10. SB 767-Bartle  |
| 4. SB 779-Bartle (In Fiscal Oversight)      | 11. SCS for SB 630-Cunningham                                  |
| 5. SS#2 for SCS for SB 577-Shields          | 12. SCS for SB 774-Lembke                                      |
| 6. SB 773-Dempsey                           |  |
| 7. SB 801-Rupp                              |  |

#### SENATE BILLS FOR PERFECTION

SB 896-Shields and Crowell	SB 900-Rupp
SB 781-McKenna, with SCS	SB 897-Lager
SB 852-Lager, et al	SB 768-Bartle
SB 685-Rupp, with SCS	SB 614-Wilson



INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SBs 895, 813, 911, 924, 922 &
SB 596-Callahan, with SCS (pending)	802-Dempsey, et al, with SCS
SBs 607, 602, 615 & 725-Stouffer, with	SJR 22-Callahan
SCS & SA 1 (pending)	SJR 29-Purgason and Cunningham, with SCS
SB 738-Crowell, with SCS	SJR 31-Scott
SB 793-Mayer, et al, with SCS	SJR 33-Bartle, with SA 1 (pending)
SB 818-Lembke, with SCS (pending)	SJR 40-Goodman, with SA 1 (pending)
SB 839-Wright-Jones, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/18

SCS for SB 782-McKenna (In Fiscal Oversight)

Reported 2/25

SB 915-Barnitz, with SCS	SB 862-Callahan, with SCS
SB 863-Callahan, with SCS	

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1	SCR 33-Nodler
HCS for HCR 18 (Rupp)	SCR 46-Stouffer
SCR 34-Lembke, et al	SCR 47-Engler and Callahan

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

### THIRTY-FIRST DAY—WEDNESDAY, MARCH 3, 2010

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“In it the soul feeds upon God, draws new vitality from the source of all life. The citizen who is so strengthened is worth more to the state than the one whose roots do not strike deep into eternity.” (Prayer of Silence, Evelyn Underhill)

As we reach the midpoint of this week help us to spend some time in silence with You our God. Let our “roots strike deep” into You, O Lord, so we too may be of greater worth to this state and the people we serve. And may we gain strength for the many tasks to finish this week and work ahead of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Shields offered Senate Resolution No. 1771, regarding the Missouri Community College Association/Phi Theta Kappa's All-Missouri Academic Teams, which was adopted.

Senator Lembke offered Senate Resolution No. 1772, regarding Mary Glynn Meyer, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1773, regarding Rocky Bossert, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1774, regarding Gregory Luzecky, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1775, regarding Nick Dragon, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1776, regarding John W. "Wally" Littlefield, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1777, regarding Schaefer Autobody Center, Crestwood, which was adopted.

Senator Champion offered Senate Resolution No. 1778, regarding Ryan D. Chambers, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1779, regarding George A. Boyd, IV, Springfield, which was adopted.

Senator Pearce offered Senate Resolution No. 1780, regarding the Deacon Hardware Warehouse project, Harrisonville, which was adopted.

Senator Wilson offered Senate Resolution No. 1781, regarding Parade Park Maintenance Building, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1782, regarding Sarah K. Gallagher, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1783, regarding Paul J. Kountzman, Grain Valley, which was adopted.

Senator Engler offered Senate Resolution No. 1784, regarding Jerry Cartrette, Potosi, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Mayer moved that **SB 793**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 793**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 793

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

Was taken up.

Senator Mayer moved that **SCS** for **SB 793** be adopted.

Senator Dempsey assumed the Chair.

Senator Schaefer assumed the Chair.

Senator Dempsey assumed the Chair.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 793, Page 9, Section 334.245, Line 7, by inserting after all of said line the following:

**“Section 1. All of the informed consent provisions and restrictions on the mother obtaining or undergoing an abortion under chapter 188 shall be subject to the paternity of the father of the unborn child being established. Once paternity is established, the father shall be present and shall be provided the same informational materials as required of the pregnant woman, including video presentations or ultrasound viewings. If paternity cannot be established, then the informed consent provisions under section 188.027 and the twenty-four hour waiting period provisions under section 188.039 shall not be applicable to the pregnant woman.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bray offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 793, Page 1, Section 1, Line 9, by inserting after “viewings.” the following: **“Once paternity is established, both parents shall be obligated to equally share the cost of raising the child to the age of majority.”.**

Senator Bray moved that the above amendment be adopted.

At the request of Senator Mayer, **SB 793**, with **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

At the request of Senator Shields, **SB 896** was placed on the Informal Calendar.

Senator McKenna moved that **SB 781**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 781**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 781

An Act to repeal sections 301.010, 301.032, 301.069, 301.130, 301.196, 301.200, 301.218, 301.280, 301.560, 301.562, 301.567, and 301.570, RSMo, and to enact in lieu thereof fourteen new sections relating to the regulation of motor vehicles, with penalty provisions for certain sections and an effective date for certain sections.

Was taken up.

Senator McKenna moved that **SCS** for **SB 781** be adopted.

Senator McKenna offered **SS** for **SCS** for **SB 781**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 781

An Act to repeal sections 301.010, 301.032, 301.069, 301.130, 301.196, 301.200, 301.218, 301.280, 301.560, 301.562, 301.567, 301.570, and 304.820, RSMo, and to enact in lieu thereof fifteen new sections relating to the regulation of motor vehicles, with penalty provisions for certain sections and an effective date for certain sections.

Senator McKenna moved that **SS** for **SCS** for **SB 781** be adopted.

Senator Pearce assumed the Chair.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 57, Section 301.580, Line 18, by inserting after all of said line the following:

“304.705. 1. In any county with a population of more than one hundred eighty thousand inhabitants that adjoins a county with a charter form of government with a population of more than nine hundred thousand inhabitants, all trucks registered for a gross weight of more than twenty-four thousand pounds, as of January 1, 2008, shall not be driven in the far left lane upon an interstate highway having at least three lanes proceeding in the same direction, within three miles of where an interstate highway and a three-digit numbered Missouri route intersects with an average daily traffic count on the interstate highway of at least one hundred thirty thousand vehicles at such point. The Missouri department of transportation shall design, manufacture, and install any informational and directional signs at the appropriate locations. Such restriction shall not apply when:

- (1) It is reasonably necessary for the operation of the truck to respond to emergency conditions; or
- (2) The right or a center lane of a roadway is closed to traffic while under construction, maintenance, or repair.

2. As used in this section, “truck” means any vehicle, machine, tractor trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways.

3. A violation of this section is [an infraction] **a class C misdemeanor** unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class [C] **B** misdemeanor, or unless an accident results from such violation, in which case such violation is a class A misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 34, Section 301.280, Line 25, by inserting immediately after said line the following:

**“301.423. If the director of revenue or his or her designated representative reasonably believes that a certificate of ownership, a license plate, or a license plate tab was obtained fraudulently, any person in possession of said item shall surrender same to the director of revenue or his or her designated representative upon request. Any person failing to do so shall be deemed guilty of a class A misdemeanor.”; and**

Further amend said bill, page 57, section 301.580, line 18, by inserting immediately after said line the following:

**“302.220. It shall be unlawful for any person to display or to permit to be displayed, or to have in his possession, any license or nondriver identification card knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered; to lend to or knowingly permit the use of by another any license or nondriver identification card issued to the person so lending or permitting the use thereof; to display or to represent as one's own any license or nondriver identification card not issued to the person so displaying the same, or fail or refuse to surrender to the clerk of any division of the circuit court or the director or his or her designee, any license or nondriver identification card which has been suspended, canceled, disqualified or revoked, as provided by law or that the director or his or her designee has reasonable suspicion to believe is fictitious; to use a false or fictitious name or give a false or fictitious address on any application for a license or nondriver identification card, or any renewal or duplicate thereof, or knowingly to make a false statement, or knowingly to conceal a material fact, or otherwise commit a fraud in any such application; to authorize or consent to any motor vehicle owned by him or under his control to be driven by any person, when he has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of sections 302.010 to 302.780; to employ a person to operate a motor vehicle in the transportation of persons or property, with knowledge that such person has not complied with the provisions of sections 302.010 to 302.780, or whose license has been revoked, suspended, canceled or disqualified; or who fails to produce his or her license upon demand of any person or persons authorized to make such demand.**

**302.230. Any person who makes a false unsworn statement or affidavit or knowingly swears or affirms falsely as to any matter or thing required by sections 302.010 to 302.540 shall be deemed guilty of a class A misdemeanor. No person who pleads guilty or nolo contendere, or is found guilty of making a false statement or affidavit shall be licensed to operate a motor vehicle for a period of one year after such plea, finding or conviction. Notwithstanding any other provision of law, a prosecution under this section may be commenced within one year after the director first discovers the falsity of any statement or affidavit required under sections 302.010 to 302.540, provided that no prosecution shall commence more than six years after such statement or affidavit was made.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 3**:

## SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 57, Section 301.580, Line 18 of said page, by inserting after all of said line the following:

“302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual's driving record. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town or village receives more than thirty-five percent of its annual general operating revenue from fines and court costs for traffic violations occurring on state highways, all revenues from such violations in excess of thirty-five percent of the annual general operating revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words “state highways” shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number. **For purposes of this section, the term “traffic violations” shall include moving and nonmoving violations and any moving violations, as that term is defined in section 302.010, that are subsequently pled or amended to nonmoving traffic violations.** The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue. If any city, town, or village disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, or village may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers

vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, Section A, Line 7, by inserting after all of said line the following:

**“142.820. The department of revenue or any other agency of this state shall not collect any excise tax imposed by the federal government on taxable fuel as defined in 26 U.S.C. Section 4083, as amended, or assist in its collection in any manner, unless the federal government pays the collecting agency a collection fee equal to two percent of the particular tax collected on the federal government's behalf.”; and**

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 57, Section 301.580, Line 18, by inserting immediately after said line the following:

**“303.025. 1. No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. No nonresident shall operate or permit another person to operate in this state a motor vehicle registered to such nonresident unless the nonresident maintains the financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence.** Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle; however, no owner **or nonresident** shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation. The director may prescribe rules and regulations for the implementation of this section.

2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state. **A nonresident motor vehicle owner shall maintain the owner's financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence.**

3. Any person who violates this section is guilty of a class C misdemeanor. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of this section at the time the peace officer, commercial vehicle



enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following:

(1) Enter an order suspending the driving privilege as of the date of the court order. If the court orders the suspension of the driving privilege, the court shall require the defendant to surrender to it any driver's license then held by such person. The length of the suspension shall be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of revenue the order of suspension of driving privilege and any license surrendered within ten days;

(2) Forward the record of the conviction for an assessment of four points; or

(3) In lieu of an assessment of points, render an order of supervision as provided in section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than one time in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this section shall forward a record of conviction to the Missouri state highway patrol, or at the written direction of the Missouri state highway patrol, to the department of revenue, in a manner approved by the director of the department of public safety. The director shall establish procedures for the record keeping and administration of this section.

4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions and professional registration from approving or authorizing those exclusions and limitations which are contained in automobile liability insurance policies and the uninsured motorist provisions of automobile liability insurance policies.

5. If a court enters an order of suspension, the offender may appeal such order directly pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.

303.080. 1. In case the operator or the owner of a motor vehicle involved in an accident within this state has no license or registration, or is a nonresident, he shall not be allowed a license or registration until he has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he had held a license and registration.

2. When a nonresident's operating privilege is suspended pursuant to [section 303.030 or section 303.140] **this chapter**, the director shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides[, if the law of such other state provides for action in relation thereto similar to that provided for in subsection 3 of this section].

3. Upon receipt of such certification that the operating privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the director to suspend a nonresident's operating privilege had the accident occurred in this state, the director shall suspend the license of such resident if he was the operator, and all of his registrations if he was the owner of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 21, Section 301.130, Line 6 of said page, by inserting after “1.” the following: “**Beginning August 28, 2010,**”; and further amend lines 10 to 12 of said page, by striking all of said lines and inserting in lieu thereof the following: “as the director of revenue may prescribe and [a set of license plates] **only one license plate**, or other evidence of registration, as provided by this section. **The applicant for registration of any motor vehicle described in subsection 10 of this section, however, may request and be issued two license plates for such vehicle, and if such plates are issued, the director of revenue may assess and collect an additional charge from the applicant in an amount not to exceed fifteen dollars.** Each license plate or set of license plates shall bear the name or”; and further amend line 16 of said page, by inserting immediately before the word “plates” the following: “**plate or**”; and further amend line 19 of said page, by inserting immediately before the word “plates” the following: “**plate or**”; and

Further amend said bill and section, Page 22, Line 26 of said page, by striking the following: “or set of license plates”; and

Further amend said bill and section, Page 23, Line 6 of said page, by striking “License plates” and inserting in lieu thereof the following: “**The license plate**”; and further amend line 8 of said page, by striking the following: “front and”; and further amend line 11 of said page, by inserting after “up” the following: “**, or if two plates are issued for the vehicle pursuant to subsection 10 of this section, displayed in the same manner on the front and rear of such vehicle**”; and further amend line 26 of said page, by striking the following: “or set of tabs”; and

Further amend said bill and section, Page 24, line 6 of said page, by striking the following: “or set of tabs”; and further amend lines 7 and 8 of said page, by striking said lines and inserting in lieu thereof the following: “issued shall affix and display such tab [or tabs] in the designated area of the license plate[, no more than one per plate]. **No tab shall be issued for any optional license plate issued pursuant to subsection 3 or subsection 10 of this section and no tab shall be required to be displayed on such optional license plate.**”; and further amend line 9 of said page, by striking the following: “or set of tabs”; and

Further amend said bill and section, Page 26, Line 28 of said page, by inserting after all of said line the following:

**“10. An applicant for registration may request and be issued two license plates for any property-carrying commercial motor vehicle as authorized in subsection 3 of this section and any other motor vehicle not specifically described in subsection 3 of this section.**

**11. Notwithstanding subsection 1 of this section, any person applying for a specialized or personalized license plate authorized by the provisions of this chapter or approved by the joint committee on transportation oversight through the specialized license plate process established under section 301.3150 shall be issued two license plates and shall not be required to pay the additional fee for such second license plate described in subsection 1 of this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **SS** for **SCS** for **SB 781**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SS** for **SCS** for **SB 781**, as amended, was declared perfected and ordered printed.

Senator Lager moved that **SB 852** be taken up for perfection, which motion prevailed.

Senator Lager moved that **SB 852** be declared perfected and ordered printed.

Senator Callahan raised the point of order that **SB 852** is out of order in that the subject matter of the bill goes beyond the scope of its title.

The point of order was referred to the President Pro Tem who took it under advisement, which placed the bill on the Informal Calendar with the point of order pending.

Senator Rupp moved that **SB 685**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 685**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 685

An Act to repeal section 375.1255, RSMo, and to enact in lieu thereof two new sections relating to the financial condition of certain insurance companies.

Was taken up.

Senator Rupp moved that **SCS** for **SB 685** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 685** was declared perfected and ordered printed.

Senator Rupp moved that **SB 900** be taken up for perfection, which motion prevailed.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 900, Page 5, Section 376.717, Lines 141-144, by striking all bold-faced language from said lines; and further amend lines 160 to 166, by striking all of said lines; and

Further amend said bill and section, Page 6, Lines 167 to 204, striking all of said lines; and

Further amend said bill and section, Page 7, Lines 205 to 211, by striking all of said lines and inserting in lieu thereof the following:

**“5. The limitations set forth in subsection 4 of this section”.**

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Rupp, **SB 900**, as amended, was declared perfected and ordered printed.

Senator Lager moved that **SB 897** be taken up for perfection, which motion prevailed.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 897, Page 3, Section 386.210, Lines 66-69, by striking all of said lines and inserting in lieu thereof the following:

**“8. The commission may appear in any proceeding at the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Federal Communications Commission, or any other federal administrative agency that has jurisdiction over a utility that is regulated by the commission or whose decisions may affect utility rates or service in Missouri. The commission may also file or otherwise participate in appeals from such federal administrative agencies. This subsection applies to all proceedings pending at the time of, or commenced after, the effective date of this section.”.**

Senator Lager moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lager, **SB 897**, as amended, was declared perfected and ordered printed.

Senator Bartle moved that **SB 768** be taken up for perfection, which motion prevailed.

On motion of Senator Bartle, **SB 768** was declared perfected and ordered printed.

Senator Wilson moved that **SB 614** be taken up for perfection, which motion prevailed.

On motion of Senator Wilson, **SB 614** was declared perfected and ordered printed.

On motion of Senator Goodman, the Senate recessed until 7:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Lager.

**RESOLUTIONS**

Senator Dempsey offered Senate Resolution No. 1785, regarding Baue Funeral Home Company, St. Charles County, which was adopted.

Senator Pearce offered Senate Resolution No. 1786, regarding Kingsville Baptist Church, which was adopted.

Senator Schaefer offered Senate Resolution No. 1787, regarding Mathew Charles Taylor, Columbia, which was adopted.

Senator Engler offered Senate Resolution No. 1788, regarding Brandon Michael Scherrer, Hillsboro, which was adopted.

Senator Engler offered Senate Resolution No. 1789, regarding Harlee Joseph Scherrer, Hillsboro, which was adopted.

Senator Nodler offered Senate Resolution No. 1790, regarding William Willoughby, Sarcoxie, which was adopted.

Senator Nodler offered Senate Resolution No. 1791, regarding Francis Buzzard, Seneca, which was adopted.

Senator Nodler offered Senate Resolution No. 1792, regarding Transport Distribution Company, Joplin, which was adopted.

Senator Nodler offered Senate Resolution No. 1793, regarding D & D Sexton, Inc., Carthage, which was adopted.

Senator Lembke offered Senate Resolution No. 1794, regarding Deanne Drew, House Springs, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 900; SB 897; SS for SCS for SB 781; SB 768; SCS for SB 685; and SB 614**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

Senator Dempsey moved that **SB 895, SB 813, SB 911, SB 924, SB 922 and SB 802**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed on a standing division vote.

**SCS for SBs 895, 813, 911, 924, 922 and 802**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 895, 813, 911, 924, 922 and 802**

An Act to repeal sections 99.805, 99.845, 135.535, 135.950, 135.967, 178.760, 178.762, 178.892, 178.894, 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof twenty-four new sections relating to tax incentives for job creation.

Was taken up.

Senator Rupp assumed the Chair.

Senator Dempsey moved that **SCS for SBs 895, 813, 911, 924, 922 and 802** be adopted.

At the request of Senator Dempsey, **SB 895, SB 813, SB 911, SB 924, SB 922 and SB 802**, with **SCS** (pending), were placed on the Informal Calendar.

Senator Lager moved that **SB 852** with the point of order (pending) be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Callahan, the point of order was withdrawn.

Senator Lager offered **SS for SB 852**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 852**

An Act to repeal sections 213.010, 213.070, 213.101, 213.111, and 287.780, RSMo, and to enact in lieu thereof five new sections relating to employment practices.

Senator Lager moved that **SS for SB 852** be adopted.

At the request of Senator Lager, **SB 852**, with **SS** (pending), was placed on the Informal Calendar.

**SENATE HEARING SCHEDULE**  
**95th GENERAL ASSEMBLY**  
**SECOND REGULAR SESSION**  
**MARCH 3, 2010**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Mayer)	Appropriations SCR 2 (Mayer)  Transportation SCR 1 (Stouffer)	
8:15 a.m.		Health, Mental Health, Seniors and Families SCR 1 (Champion)		
8:30 a.m.			Gubernatorial Appointments SL (Shields)	Governmental Accountability and Fiscal Oversight SCR 1 (Purgason)  Veterans' Affairs, Pensions and Urban Affairs SL (Crowell)
12:00 Noon		Small Business, Insurance and Industry SCR 1 (Rupp)  Rules, Joint Rules, Resolutions and Ethics SL (Engler)	Jobs, Economic Development and Local Government SL (Griesheimer)  Agriculture, Food Production and Outdoor Resources SCR 1 (Clemens)	
12:30 p.m.	Appropriations SCR 2 (Mayer)			
1:30 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager)  General Laws SCR 1 (Goodman)	Education SL (Pearce)  Ways and Means SCR 1 (Vogel)	
2:00 p.m.			Progress and Development Bingham Gallery (Callahan)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Scott)			
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Bartle)			

**REFERRALS**

President Pro Tem Shields referred **SS** for **SCS** for **SB 781** to the Committee on Governmental Accountability and Fiscal Oversight.

**RESOLUTIONS**

Senator Lembke offered Senate Resolution No. 1795, regarding Shelley Hancock, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1796, regarding Cory Letchworth, Fenton, which was adopted.

Senator Lembke offered Senate Resolution No. 1797, regarding Jenny Kirchhofer, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1798, regarding Carol Marinaro, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1799, regarding Meri Ellen Taylor, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1800, regarding Michele Hilson, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1801, regarding Debbie Nuessle, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1802, regarding Laura Leyes Woods, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1803, regarding Lisa Sue Braun, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1804, regarding Wendy Hawkins, Saint Louis, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Engler introduced to the Senate, Father Ricky Valleroy, John Burcham and parents and students from St. Joseph Catholic School, Farmington.

Senator Shields introduced to the Senate, Dirck Clark and Dr. Mark Laney, St. Joseph; and Jon Doolittle, Albany.

Senator Scott introduced to the Senate, Zach Vandevender, Sedalia; Aaron Schroeder, David Holiway and Hope Lecchi, Smithton; Geoff Karhoff, Josh Smith and Cindy Graves, El Dorado Springs; Diana Ball, Cole Camp; and Matthew Bohanan, Amanda Wesley and Steve Larson, Warsaw.

Senator Shoemyer introduced to the Senate, Dr. Michael Seipel and students, Catie Burke, Caroline Foss, Kurt Nagel, Leann Botkin, Joanna Russell, Miranda Glasgow, Casey Daves and Samantha McKinley, Truman State University.

Senator Schaefer introduced to the Senate, Emily Leonard and forty fourth grade students from West Boulevard Elementary School, Columbia.

Senator Barnitz introduced to the Senate, Ellie Griesbauer and Kaitlyn Blacklock, Montgomery City; and Ellie and Kaitlyn were made honorary pages.

Senator Barnitz introduced to the Senate, Leah Cox, Aimee Campbell, Dan Cavender, Floyd Jerrigan, Mick Gilliam, Lori Moss, Chantae Alfred, Marcia Mayo, Shannon Birdsong, Lucretia Whited, Carla Treece, Jessica Beucler and Donna Garrett, representatives of Leadership Phelps County.

Senator Griesheimer introduced to the Senate, Mike and Chuck Marquart, Washington; and members of Missouri Beer Wholesalers Association.

Senator Cunningham introduced to the Senate, representatives of Greater Missouri Leadership Challenge Legislative Panel.

Senator Lager introduced to the Senate, Doug and Rolanda Dale, Bethany.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Thomas E. Saak, M.D., Ballwin.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

THIRTY-SECOND DAY—THURSDAY, MARCH 4, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1003-Pearce	SB 1021-Shoemyer and Engler
SB 1004-Schaefer	SB 1022-Stouffer
SB 1005-Schaefer	SB 1023-Cunningham
SB 1006-Schaefer	SB 1024-Cunningham
SB 1007-Dempsey	SB 1025-Goodman
SB 1008-Bray	SB 1026-Rupp
SB 1009-Bray	SB 1027-Rupp
SB 1010-Bray	SB 1028-Rupp
SB 1011-Griesheimer	SB 1029-Rupp
SB 1012-Lager	SB 1030-Rupp
SB 1013-Lembke	SB 1031-Bray
SB 1014-Bartle	SB 1032-Bray
SB 1015-Clemens	SB 1033-Bray
SB 1016-Mayer	SB 1034-Bray
SB 1017-Mayer	SB 1035-Bray
SB 1018-Nodler	SB 1036-Bray
SB 1019-Barnitz	SB 1037-Bray
SB 1020-Barnitz	SB 1038-Bray



SB 1039-Pearce	SB 1055-Crowell
SB 1040-Schaefer	SB 1056-Crowell
SB 1041-Schmitt	SB 1057-Shields
SB 1042-Schmitt	SB 1058-Shields
SB 1043-Schmitt	SB 1059-Shields
SB 1044-Schmitt	SB 1060-Bartle
SB 1045-Wright-Jones	SB 1061-Bartle
SB 1046-Wright-Jones	SB 1062-Schmitt
SB 1047-Wright-Jones	SB 1063-Clemens
SB 1048-Crowell	SB 1064-Lembke
SB 1049-Crowell	SB 1065-Lager
SB 1050-Crowell	SB 1066-Wright-Jones
SB 1051-Crowell	SB 1067-Shields
SB 1052-Crowell	SJR 43-Mayer
SB 1053-Crowell	SJR 44-Shields
SB 1054-Crowell	

#### HOUSE BILLS ON SECOND READING

HCS for HB 1377	HCS for HBs 1311 & 1341
HCS for HB 1497	HCS for HB 1498
HCS for HB 1675	HB 1741-Pratt
HCS for HB 1750	

#### THIRD READING OF SENATE BILLS

- |  |  |
|--|--|
| 1. SS for SB 618-Rupp (In Fiscal Oversight)                    | 10. SB 767-Bartle  |
| 2. SB 627-Justus (In Fiscal Oversight)                         | 11. SCS for SB 630-Cunningham                              |
| 3. SJR 20-Bartle (In Fiscal Oversight)                         | 12. SCS for SB 774-Lembke                                  |
| 4. SB 779-Bartle (In Fiscal Oversight)                         | 13. SB 900-Rupp  |
| 5. SS#2 for SCS for SB 577-Shields                             | 14. SB 897-Lager   |
| 6. SB 773-Dempsey  | 15. SS for SCS for SB 781-McKenna<br>(In Fiscal Oversight) |
| 7. SB 801-Rupp   | 16. SB 768-Bartle  |
| 8. SCS for SBs 842, 799 & 809-Schmitt<br>(In Fiscal Oversight) | 17. SCS for SB 685-Rupp                                    |
| 9. SCS for SB 754-Dempsey                                      | 18. SB 614-Wilson  |

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SB 596-Callahan, with SCS (pending)
--------------------------	-------------------------------------

SBs 607, 602, 615 & 725-Stouffer, with  
SCS & SA 1 (pending)  
SB 738-Crowell, with SCS  
SB 793-Mayer, et al, with SCS, SA 1 &  
SA 1 to SA 1 (pending)  
SB 818-Lembke, with SCS (pending)  
SB 839-Wright-Jones, with SCS  
SB 852-Lager, et al, with SS (pending)

SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS (pending)  
SB 896-Shields and Crowell  
SJR 22-Callahan  
SJR 29-Purgason and Cunningham, with SCS  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 40-Goodman, with SA 1 (pending)

## CONSENT CALENDAR

### Senate Bills

Reported 2/18

SCS for SB 782-McKenna (In Fiscal Oversight)

Reported 2/25

SB 915-Barnitz, with SCS  
SB 863-Callahan, with SCS

SB 862-Callahan, with SCS

## RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18 (Rupp)  
SCR 34-Lembke, et al

SCR 33-Nodler  
SCR 46-Stouffer  
SCR 47-Engler and Callahan

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-SECOND DAY—THURSDAY, MARCH 4, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You who seek God, let your heart revive.” (Psalm 69:32b)

We acknowledge that the heart is seen by us as the seat of human emotion that often directs our behavior and words. So help us O Lord to weed from our heart that which threatens our undoing but rather fill it with faith, hope and love for You, our families, and our neighbors. Help us be open vessels to receive Your blessing that we may bless others. Help us be revived in this Spring break, to strengthen our minds, bodies and souls, resting in You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Lager offered Senate Resolution No. 1805, regarding Ronald E. Lager, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 1806, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe King, Green City, which was adopted.

Senator Lager offered Senate Resolution No. 1807, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Duane Cooley, which was adopted.

Senator Lager offered Senate Resolution No. 1808, regarding the One Hundredth Birthday of Suedena Dysart-Burns, Mound City, which was adopted.

Senator Nodler offered Senate Resolution No. 1809, regarding Charles E. “Sonny” Bunnell, Joplin, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1810, regarding Melissa Leuthauser, Villa Ridge, which was adopted.

**THIRD READING OF SENATE BILLS**

**SS No. 2** for **SCS** for **SB 577**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 577

An Act to repeal sections 105.955, 105.957, 105.959, 105.961, 105.966, 130.021, 130.031, and 130.044, RSMo, and to enact in lieu thereof eight new sections relating to Missouri ethics commission oversight over public officials while serving in and running for office, with penalty provisions.

Was taken up.

On motion of Senator Shields, **SS No. 2** for **SCS** for **SB 577** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

## NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senators

Bray Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

**SB 773**, introduced by Senator Dempsey, entitled:

An Act to repeal section 362.111, RSMo, and to enact in lieu thereof one new section relating to international transactions.

Was taken up.

On motion of Senator Dempsey, **SB 773** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bray Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 801**, introduced by Senator Rupp, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to identity theft protection.

Was taken up.

On motion of Senator Rupp, **SB 801** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bray Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 754**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 754

An Act to repeal sections 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, and 214.550, RSMo, and to enact in lieu thereof thirty new sections relating to cemeteries, with penalty provisions.

Was taken up by Senator Dempsey.

On motion of Senator Dempsey, **SCS for SB 754** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Dempsey	Engler	Goodman
Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Barnitz Cunningham Ridgeway—3

Absent—Senators—None

Absent with leave—Senators

Bray Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 767**, introduced by Senator Bartle, entitled:

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to funds for courtroom renovation and technology enhancement.

Was taken up.

On motion of Senator Bartle, **SB 767** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bray Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 630**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 630

An Act to repeal sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, and to enact in lieu thereof twenty-nine new sections relating to manufactured homes, with penalty provisions and an effective date.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **SCS** for **SB 630** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bray Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

**SCS for SB 774**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 774

An Act to repeal section 630.220, RSMo, and to enact in lieu thereof two new sections relating to department of mental health protection measures, with penalty provisions.

Was taken up by Senator Lembke.

On motion of Senator Lembke, **SCS for SB 774** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators

Bray Days—2

Vacancies—None



The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 900**, introduced by Senator Rupp, entitled:

An Act to repeal sections 376.717, 376.718, 376.724, 376.725, 376.732, 376.733, 376.734, 376.735, 376.737, 376.738, 376.740, 376.743, and 376.758, RSMo, and to enact in lieu thereof thirteen new sections relating to the Missouri life and health insurance guaranty association act.

Was taken up.

On motion of Senator Rupp, **SB 900** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Green                      Purgason—2

Absent with leave—Senators

Bray                      Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 897**, introduced by Senator Lager, entitled:

An Act to repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to public service commissioners, with an emergency clause.

Was taken up.

On motion of Senator Lager, **SB 897** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Cunningham	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Crowell—1

Absent—Senators—None

Absent with leave—Senators

Bray Days—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Cunningham	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

## NAYS—Senators

Crowell Ridgeway—2

Absent—Senators—None

Absent with leave—Senators

Bray Days—2

Vacancies—None

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 768**, introduced by Senator Bartle, entitled:

An Act to repeal sections 167.151 and 168.151, RSMo, and to enact in lieu thereof two new sections relating to payment of tuition for certain nonresident students in certain school districts, with penalty provisions for a certain section.

Was taken up.

On motion of Senator Bartle, **SB 768** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—30		

## NAYS—Senators

Ridgeway	Wright-Jones—2
----------	----------------

## Absent—Senators—None

## Absent with leave—Senators

Bray	Days—2
------	--------

## Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 685**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 685

An Act to repeal section 375.1255, RSMo, and to enact in lieu thereof two new sections relating to the financial condition of certain insurance companies.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS for SB 685** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators—None

## Absent—Senators—None

## Absent with leave—Senators

Bray	Days—2
------	--------

## Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 614**, introduced by Senator Wilson, entitled:

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to anti-bullying policies.

Was taken up.

On motion of Senator Wilson, **SB 614** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bray Days—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

M. Joan D'Ambrose and Maureen Dempsey, as members of the Alzheimer's State Plan Task Force;

Also,

Lowell Mohler, Republican, as a member of the State Fair Commission;

Also,

Rebeka R. McIntosh, as a member of the Child Abuse and Neglect Review Board;

Also,

Ann K. Shelton, as a member of the Missouri State Board of Nursing;

Also,

Craig A. Van Matre, Democrat, as a member of the Coordinating Board for Higher Education;

Also,

Alvin L. Brooks, Democrat, as a member of the Kansas City Board of Police Commissioners;

Also,

Sreenivasa R. Dandamudi, as a member of the Administrative Hearing Commission;

Also,

Jerome Wallach, Democrat, as a member of the Regional Convention and Sports Complex Authority;

Also,

Joan S. Eberhardt, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Cynthia L. Heislen, Democrat, as a member of the Missouri Community Service Commission.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 777**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 919**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 905**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 860**, begs leave to

report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 791**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 605**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 700**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 829**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 849**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 851**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 981**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 942**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred

**SB 855**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 625**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 878**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 945**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 587**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SJR 34**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 920**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 787**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 833**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 893**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 887**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 880**, **SB 780** and **SB 836**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 792**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 687**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 820**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 985**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 778**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 844**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 877**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 1001**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred



**SB 786**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 721**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 929**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 963**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 987**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

### CONCURRENT RESOLUTIONS

Senator Engler moved that **SCR 47** be taken up for adoption, which motion prevailed.

On motion of Senator Engler, **SCR 47** was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Crowell	Cunningham	Engler	Goodman
Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Vogel	Wilson—27					

#### NAYS—Senators—None

#### Absent—Senators

Clemens	Dempsey	Ridgeway	Stouffer	Wright-Jones—5
---------	---------	----------	----------	----------------

#### Absent with leave—Senators

Bray	Days—2
------	--------

#### Vacancies—None

### SENATE BILLS FOR PERFECTION

Senator Purgason moved that **SJR 29**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SJR 29**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 29

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 4(d) of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the revenue-neutral replacement of state taxes on income with an amended sales and use tax.

Was taken up.

Senator Purgason moved that **SCS** for **SJR 29** be adopted.

Senator Purgason offered **SS** for **SCS** for **SJR 29**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 29

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 4(d) of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the revenue-neutral replacement of state taxes on income with an amended sales and use tax.

Senator Purgason moved that **SS** for **SCS** for **SJR 29** be adopted.

Senator Engler assumed the Chair.

President Pro Tem Shields assumed the Chair.

At the request of Senator Purgason, **SJR 29**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1408** and **1514**, entitled:

An Act to repeal sections 32.069 and 143.811, RSMo, and to enact in lieu thereof two new sections relating to interest on overpayments of taxes, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1519**, entitled:

An Act to repeal sections 565.081, 565.082, 565.083, and 565.084, RSMo, and to enact in lieu thereof four new sections relating to assault of a transit operator, an employee of a mass transit system, a law enforcement officer, a corrections officer, emergency personnel, a highway worker in a construction zone or work zone, or a probation and parole officer, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1903**, entitled:

An Act to amend chapter 30, RSMo, by adding thereto one new section relating to the federal budget stabilization extension fund, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 86**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to raise animals.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 76**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 44 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bird, fish, game, wildlife, or forestry resources.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1544** and has taken up and passed **SCS** for **HCS** for **HB 1544**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1208**, entitled:

An Act to repeal section 194.119, RSMo, and to enact in lieu thereof one new section relating to the final disposition of deceased military personnel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1745**, entitled:

An Act to repeal sections 447.503 and 447.559, RSMo, and to enact in lieu thereof two new sections relating to abandoned military medals.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1559**, entitled:

An Act to repeal section 182.647, RSMo, and to enact in lieu thereof one new section relating to library reports.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **SCS** for **HCS** for **HB 1544**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Callahan assumed the Chair.

### **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 1003**—Financial and Governmental Organizations and Elections.

**SB 1004**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1005**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1006**—Commerce, Consumer Protection, Energy and the Environment.

**SB 1007**—Health, Mental Health, Seniors and Families.

**SB 1008**—Financial and Governmental Organizations and Elections.

**SB 1009**—Health, Mental Health, Seniors and Families.

**SB 1010**—Health, Mental Health, Seniors and Families.

**SB 1011**—Jobs, Economic Development and Local Government.

**SB 1012**—Commerce, Consumer Protection, Energy and the Environment.

**SB 1013**—Judiciary and Civil and Criminal Jurisprudence.

- SB 1014**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1015**—Agriculture, Food Production and Outdoor Resources.
- SB 1016**—Ways and Means.
- SB 1017**—Health, Mental Health, Seniors and Families.
- SB 1018**—Governmental Accountability and Fiscal Oversight.
- SB 1019**—Agriculture, Food Production and Outdoor Resources.
- SB 1020**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 1021**—Education.
- SB 1022**—Financial and Governmental Organizations and Elections.
- SB 1023**—Health, Mental Health, Seniors and Families.
- SB 1024**—Education.
- SB 1025**—General Laws.
- SB 1026**—Small Business, Insurance and Industry.
- SB 1027**—Transportation.
- SB 1028**—Jobs, Economic Development and Local Government.
- SB 1029**—Transportation.
- SB 1030**—Financial and Governmental Organizations and Elections.
- SB 1031**—Small Business, Insurance and Industry.
- SB 1032**—Small Business, Insurance and Industry.
- SB 1033**—Education.
- SB 1034**—Commerce, Consumer Protection, Energy and the Environment.
- SB 1035**—Health, Mental Health, Seniors and Families.
- SB 1036**—Ways and Means.
- SB 1037**—Commerce, Consumer Protection, Energy and the Environment.
- SB 1038**—Financial and Governmental Organizations and Elections.
- SB 1039**—Education.
- SB 1040**—Commerce, Consumer Protection, Energy and the Environment.
- SB 1041**—Governmental Accountability and Fiscal Oversight.
- SB 1042**—Health, Mental Health, Seniors and Families.
- SB 1043**—Small Business, Insurance and Industry.
- SB 1044**—Health, Mental Health, Seniors and Families.
- SB 1045**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1046**—Education.

**SB 1047**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1048**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 1049**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 1050**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 1051**—Rules, Joint Rules, Resolutions and Ethics.

**SB 1052**—Rules, Joint Rules, Resolutions and Ethics.

**SB 1053**—Financial and Governmental Organizations and Elections.

**SB 1054**—Rules, Joint Rules, Resolutions and Ethics.

**SB 1055**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1056**—Appropriations.

**SB 1057**—General Laws.

**SB 1058**—Jobs, Economic Development and Local Government.

**SB 1059**—Health, Mental Health, Seniors and Families.

**SB 1060**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1061**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1062**—Small Business, Insurance and Industry.

**SB 1063**—Financial and Governmental Organizations and Elections.

**SB 1064**—Jobs, Economic Development and Local Government.

**SB 1065**—General Laws.

**SB 1066**—Financial and Governmental Organizations and Elections.

**SB 1067**—General Laws.

**SJR 43**—Progress and Development.

**SJR 44**—General Laws.

### **INTRODUCTIONS OF GUESTS**

Senator Goodman introduced to the Senate, Rabbi Derf Eukel, Mt. Vernon.

Senator Lembke introduced to the Senate, METS teams: Brainiac Attack Robotics Club (teams 913 & 2804), Kansas City; The G.E.M.S., Wildwood, Ballwin and South St. Louis County; H.M.S. Beagle Science Club, Parkville; Robo Riders, Florissant; S & L Robotics, Holts Summit; Sunrise Dragons, DeSoto; and Up NeXT, Kearney.

Senator Stouffer introduced to the Senate, Dorothy Boss and fourth and seventh grade students from St. Joseph Catholic School, Salisbury.

On behalf of Senator Pearce, the President introduced to the Senate, Mark and Ross Simmons, Higginsville.

Senator Schmitt introduced to the Senate, Jack Roettger, Justin Wilcox and Hailey Chellis, Glendale; and Jack, Justin and Hailey were made honorary pages.

On motion of Senator Engler, the Senate adjourned until 11:00 a.m., Tuesday, March 9, 2010.

SENATE CALENDAR

---

THIRTY-THIRD DAY—TUESDAY, MARCH 9, 2010

---

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1377  
HCS for HB 1497  
HCS for HB 1675  
HCS for HB 1750  
HCS for HBs 1311 & 1341  
HCS for HB 1498  
HB 1741-Pratt  
HCS for HBs 1408 & 1514

HB 1519-Hoskins (80) and Pace  
HCS for HB 1903  
HCS for HJR 86  
HJR 76-Dethrow, et al  
HB 1208-Day, et al  
HB 1745-Day, et al  
HB 1559-Brown (30)

THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)  
SB 627-Justus (In Fiscal Oversight)  
SJR 20-Bartle (In Fiscal Oversight)  
SB 779-Bartle (In Fiscal Oversight)

SCS for SBs 842, 799 & 809-Schmitt  
(In Fiscal Oversight)  
SS for SCS for SB 781-McKenna  
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 777-Pearce, with SCS  
2. SB 905-Bray, et al, with SCS  
3. SB 791-Griesheimer  
4. SB 605-Mayer, with SCS  
5. SB 855-Schaefer, with SCS  
6. SB 625-Justus and Keaveny, with SCS  
7. SB 878-Lembke, with SCS  
8. SB 587-Nodler and Cunningham, with SCS  
9. SJR 34-Goodman, et al  
10. SB 920-Keaveny, with SCS

11. SB 887-Schaefer, with SCS  
12. SBs 880, 780 & 836-Schaefer, with SCS  
13. SB 792-Dempsey and Rupp  
14. SB 687-Wright-Jones  
15. SB 820-McKenna  
16. SB 778-Pearce, with SCS  
17. SB 844-Shields  
18. SB 786-Rupp  
19. SB 721-Nodler and Goodman, with SCS

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SBs 895, 813, 911, 924, 922 &
SB 596-Callahan, with SCS (pending)	802-Dempsey, et al, with SCS (pending)
SBs 607, 602, 615 & 725-Stouffer, with	SB 896-Shields and Crowell
SCS & SA 1 (pending)	SJR 22-Callahan
SB 738-Crowell, with SCS	SJR 29-Purgason and Cunningham, with
SB 793-Mayer, et al, with SCS, SA 1	SCS & SS for SCS (pending)
& SA 1 to SA 1 (pending)	SJR 31-Scott
SB 818-Lembke, with SCS (pending)	SJR 33-Bartle, with SA 1 (pending)
SB 839-Wright-Jones, with SCS	SJR 40-Goodman, with SA 1 (pending)
SB 852-Lager, et al, with SS (pending)	

## CONSENT CALENDAR

## Senate Bills

Reported 2/18

SCS for SB 782-McKenna (In Fiscal Oversight)

Reported 2/25

SB 915-Barnitz, with SCS  
SB 863-Callahan, with SCS

SB 862-Callahan, with SCS

Reported 3/4

SB 919-Ridgeway  
SB 860-Bray  
SB 700-Lager, with SCS  
SB 829-Schaefer, with SCS  
SB 849-Barnitz  
SB 851-Schmitt, et al  
SB 981-Callahan  
SB 942-Rupp, with SCS  
SB 945-Bray

SB 787-Rupp, with SCS  
SB 833-Goodman  
SB 893-Days  
SB 985-Goodman  
SB 877-Keaveny  
SB 1001-Griesheimer  
SB 929-Lager  
SB 963-Shoemyer, with SCS  
SB 987-Stouffer



RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18 (Rupp)  
SCR 34-Lembke, et al

SCR 33-Nodler  
SCR 46-Stouffer

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-THIRD DAY—TUESDAY, MARCH 9, 2010**

---

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

### RESOLUTIONS

On behalf of Senator Cunningham, Senator Vogel offered Senate Resolution No. 1811, regarding Diana Veit, Chesterfield, which was adopted.

On behalf of Senator Shoemyer, Senator Vogel offered Senate Resolution No. 1812, regarding Dr. Kenneth G. McNutt, which was adopted.

On behalf of Senator Shoemyer, Senator Vogel offered Senate Resolution No. 1813, regarding Dr. Jerry W. Thomason, which was adopted.

On behalf of Senator Shields, Senator Vogel offered Senate Resolution No. 1814, regarding Connor Hayes, Kansas City, which was adopted.

On behalf of Senator Shields, Senator Vogel offered Senate Resolution No. 1815, regarding Kaitlynn McLaughlin, Dearborn, which was adopted.

On behalf of Senator Shields, Senator Vogel offered Senate Resolution No. 1816, regarding Lacy Radziej, Kansas City, which was adopted.

On behalf of Senator Rupp, Senator Vogel offered Senate Resolution No. 1817, regarding the O'Fallon Senior Center, which was adopted.

On behalf of Senator Ridgeway, Senator Vogel offered Senate Resolution No. 1818, regarding Meredith O'Malley, Kansas City, which was adopted.

On behalf of Senator Ridgeway, Senator Vogel offered Senate Resolution No. 1819, regarding Courtney Ann Darr, which was adopted.

On behalf of Senator Ridgeway, Senator Vogel offered Senate Resolution No. 1820, regarding Teresa

Jeanne “Tessa” Graybill, which was adopted.

On behalf of Senator Schmitt, Senator Vogel offered Senate Resolution No. 1821, regarding the Gumbo Shop and Fish Market, Rock Hill, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 1822, regarding Alma Schrader Elementary School, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 1823, regarding A. Wayne Wallingford, Jr., Cape Girardeau, which was adopted.

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 1824, regarding Norman Zwosta, Cape Girardeau, which was adopted.

### COMMUNICATIONS

Senator Crowell submitted the following:

March 9, 2010

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building – Room 325  
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

**SB829** - Allows the counties of Boone and Cole to adopt nuisance abatement ordinances involving land with tires or storm water runoff conditions resulting in damage to buildings;

**SB849** - Modifies provisions of law regarding emergency service boards;

**SB945** - Modifies provisions relating to court actions by the Department of Mental Health;

**SB787** - Modifies the process for appealing a decision of the department of public safety regarding a crime victims' compensation fund claim;

**SB833** - Allows corporate board members to consent to certain actions by electronic transmission

**SB893** - Requires a law enforcement agency to enter certain information regarding orders of protection into the Missouri Uniform Law Enforcement system withing twenty-four hours;

**SB985** - Modifies certain requirements about identification information in certain court pleadings, liens, notices of garnishment, and writs of sequestration;

**SB1001** - Requires the Governor to annually issue a proclamation setting apart the first week of May as “Local Government Week” in Missouri;

**SB963** - Transfers the administration of the Minority and Underrepresented Environmental Literacy Program from the Department of Natural Resources to the Department of Higher Education;

**SB987** - Increases the statutory award amount for research projects funded by the University of Missouri Board of Curators.

Sincerely,  
/s/ Jason G. Crowell  
Jason G. Crowell  
State Senator

On motion of Senator Vogel, the Senate adjourned until 4:00 p.m., Monday, March 15, 2010.

SENATE CALENDAR

---

THIRTY-FOURTH DAY—MONDAY, MARCH 15, 2010

---

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1377	HB 1519-Hoskins (80) and Pace
HCS for HB 1497	HCS for HB 1903
HCS for HB 1675	HCS for HJR 86
HCS for HB 1750	HJR 76-Dethrow, et al
HCS for HBs 1311 & 1341	HB 1208-Day, et al
HCS for HB 1498	HB 1745-Day, et al
HB 1741-Pratt	HB 1559-Brown (30)
HCS for HBs 1408 & 1514	

THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)	SCS for SBs 842, 799 & 809-Schmitt
SB 627-Justus (In Fiscal Oversight)	(In Fiscal Oversight)
SJR 20-Bartle (In Fiscal Oversight)	SS for SCS for SB 781-McKenna
SB 779-Bartle (In Fiscal Oversight)	(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 777-Pearce, with SCS	11. SB 887-Schaefer, with SCS
2. SB 905-Bray, et al, with SCS	12. SBs 880, 780 & 836-Schaefer, with SCS
3. SB 791-Griesheimer	13. SB 792-Dempsey and Rupp
4. SB 605-Mayer, with SCS	14. SB 687-Wright-Jones
5. SB 855-Schaefer, with SCS	15. SB 820-McKenna
6. SB 625-Justus and Keaveny, with SCS	16. SB 778-Pearce, with SCS
7. SB 878-Lembke, with SCS	17. SB 844-Shields
8. SB 587-Nodler and Cunningham, with SCS	18. SB 786-Rupp
9. SJR 34-Goodman, et al	19. SB 721-Nodler and Goodman, with SCS
10. SB 920-Keaveny, with SCS	

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SBs 895, 813, 911, 924, 922 &
SB 596-Callahan, with SCS (pending)	802-Dempsey, et al, with SCS (pending)
SBs 607, 602, 615 & 725-Stouffer, with	SB 896-Shields and Crowell
SCS & SA 1 (pending)	SJR 22-Callahan
SB 738-Crowell, with SCS	SJR 29-Purgason and Cunningham,
SB 793-Mayer, et al, with SCS, SA 1 &	with SCS & SS for SCS (pending)
SA 1 to SA 1 (pending)	SJR 31-Scott
SB 818-Lembke, with SCS (pending)	SJR 33-Bartle, with SA 1 (pending)
SB 839-Wright-Jones, with SCS	SJR 40-Goodman, with SA 1 (pending)
SB 852-Lager, et al, with SS (pending)	

## CONSENT CALENDAR

## Senate Bills

Reported 2/18

SCS for SB 782-McKenna (In Fiscal Oversight)

Reported 2/25

SB 915-Barnitz, with SCS  
 SB 863-Callahan, with SCS

SB 862-Callahan, with SCS

Reported 3/4

SB 919-Ridgeway  
 SB 860-Bray  
 SB 700-Lager, with SCS  
 SB 851-Schmitt, et al

SB 981-Callahan  
 SB 942-Rupp, with SCS  
 SB 877-Keaveny  
 SB 929-Lager

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18 (Rupp)  
SCR 34-Lembke, et al

SCR 33-Nodler  
SCR 46-Stouffer

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-FOURTH DAY—MONDAY, MARCH 15, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We become truly personal by loving God and by loving other humans...In its deepest sense, love is the life, the energy, of the Creator in us.” (Kallistos Ware)

Amazing Lord, we return this afternoon, refreshed and energized, ready for the work You have for us to do. We are thankful for the week of rest and recreation and an opportunity to be with those we love. We ask that You continue to bless us with Your presence, energy and love so we may truly be about the things that You desire for us to accomplish. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 4, 2010 and Tuesday, March 9, 2010 were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Lembke offered Senate Resolution No. 1825, regarding Larry A. Giesler, St. Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 1826, regarding Kyle Michael Fogarty, which was adopted.

Senator Nodler offered Senate Resolution No. 1827, regarding the 2009-2010 Class 3 State Champion Neosho High School Wildcat wrestling team, which was adopted.

Senator Nodler offered Senate Resolution No. 1828, regarding Ronald Lankford, Webb City, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1829, regarding Alison Snider, Pacific, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1830, regarding Julie McBride, Washington, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1831, regarding Corrections Officer I Cecil B. Dean, Jr., Perry, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1832, regarding Lynn McClamroch, Kirksville, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1833, regarding Daniel Ross Mallette, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1834, regarding Corrections Officer I William Baumbach, Farber, which was adopted.

Senator Champion offered Senate Resolution No. 1835, regarding Archie McCourt, Bergholz, Ohio, which was adopted.

Senator Champion offered Senate Resolution No. 1836, regarding Ronald Hoover, Casper, Wyoming, which was adopted.

Senator Nodler offered Senate Resolution No. 1837, regarding Larry Wedel, Avant, Oklahoma, which was adopted.

Senator McKenna offered Senate Resolution No. 1838, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Ronald D. Goggin, Hillsboro, which was adopted.

Senator Rupp offered Senate Resolution No. 1839, regarding Andrew Cortland Sperry, Lake St. Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 1840, regarding the Thirtieth Wedding Anniversary of Dr. and Mrs. Robert W. Smith, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 1841, regarding Charles H. Kemper, Troy, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1842, regarding the Twenty-fifth Anniversary of the Missouri Veterans Home, Mexico, which was adopted.



**SENATE BILLS FOR PERFECTION**

Senator Pearce moved that **SB 777**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 777**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 777**

An Act to repeal sections 408.052, 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof five new sections relating to the sale of certain financial products and plans associated with certain loan transactions, with penalty provisions for a certain section.

Was taken up.

Senator Pearce moved that **SCS** for **SB 777** be adopted.

At the request of Senator Pearce, **SB 777**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Griesheimer assumed the Chair.

Senator Bray moved that **SB 905**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 905**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 905**

An Act to repeal sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.678, 67.1303, 67.1545, 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 144.049, 144.100, 144.625, 144.655, 144.805, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof thirty-one new sections relating to the implementation of the streamlined sales and use tax agreement.

Was taken up.

Senator Bray moved that **SCS** for **SB 905** be adopted.

At the request of Senator Bray, **SB 905**, with **SCS** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 4, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeffrey S. Bay, Democrat, 6109 Vardon Drive, Parkville, Platte County, Missouri 64152, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, John J. Temporiti, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 4, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph B. Bosse, Republican, 9838 Sunset Greens Drive, Saint Louis, Saint Louis County, Missouri 63127, as a member of the Northwest Missouri State University Board of Regents for a term ending January 1, 2016, and until his successor is duly appointed and qualified; vice, Donald Schneider, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 4, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael P. Dierkes, Republican, 3554 Yaeger Crossing Court, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2015, and until his successor is duly appointed and qualified; vice, Christi Checkett, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 4, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dennis E. Rose, Democrat, 4954 Lindell Boulevard 5E, Saint Louis City, Missouri 63108, as a member of the Missouri Ethics Commission, for a term ending March 15, 2014, and until his successor is duly appointed and qualified; vice, Brad Mitchell, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Joseph L. Adams, 924 Wild Cherry Lane, University City, Saint Louis County, Missouri 63130, as a member of the State Historical

Records Advisory Board, for a term ending November 01, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kathleen Alexander, 899 Rohrer Road, Bourbon, Crawford County, Missouri 65441, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2011, and until her successor is duly appointed and qualified; vice, Kathleen Alexander, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Paula F. Baker, 502 Morgan Court, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2012, and until her successor is duly appointed and qualified; vice, Paula F. Baker, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Nela E. Beetem, 1425 Eastview Drive, Holts Summit, Callaway County, Missouri 65043, as a member of the Children's Trust Fund Board, for a term ending September 15, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Morey A. Blinder, 350 North Brentwood Boulevard, Clayton, Saint Louis County, Missouri 63105, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Jean-Paul Bovee, 9011 Washington Street, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010 and until his successor is duly appointed and qualified; vice, Jean-Paul Bovee, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Oliver G. Boyer, 301 9th Street, Crystal City, Jefferson County, Missouri 63019, as a member of the Peace Officer Standards and Training Commission, for a term ending October 03, 2010, and until his successor is duly appointed and qualified; vice, Paul Vescovo, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Fred A. Bronstein, 8520 Joseph Avenue, Brentwood, Saint Louis County, Missouri 63144, as a member of the Missouri Workforce

Investment Board, for a term ending March 3, 2013, and until his successor is duly appointed and qualified; vice, Rhonda Stafford, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cara Canon, 28663 Highway M, Sedalia, Pettis County, Missouri 65301, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2014, and until her successor is duly appointed and qualified; vice, Cara Canon, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jacqueline Coleman, Democrat, 5416 Saddlebrooke Lane, Lohman, Cole County, Missouri 65053, as a member of the Missouri Women's Council, for a term ending December 6, 2011, and until her successor is duly appointed and qualified; vice, Jan Marcason, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David C. Cramp, 1060 Highway AA, Farmington, Saint Francois County, Missouri 63640, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2014, and until his successor is duly appointed and qualified; vice, David Duncan, deceased.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Randall J. Davis, 9764 Lee Drive, Hillsboro, Jefferson County, Missouri 63050, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2011, and until his successor is duly appointed and qualified; vice, Randall J. Davis, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Wayne Feuerborn, 440 East 65<sup>th</sup> Street, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2014, and until his successor is duly appointed and qualified; vice, Wayne Feuerborn, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lucas A. Freeland, 21757 Elmwood Trail, Kirksville, Adair County, Missouri 63501, as student representative on the Truman State University Board of Governors, for a term ending January 1, 2012, and until his successor is duly appointed and qualified; vice, G. Cody Sumter, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Barbara J. Gilchrist, Democrat, 3638 Juniata Street, Saint Louis City, Missouri 63116, as a member of the State Board of Senior Services,

for a term ending August 30, 2012, and until her successor is duly appointed and qualified; vice, Debra Cochran, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gary Gottesman, 504 Bonhomme Forest Drive, Saint Louis, Saint Louis County, Missouri 63132, as a member of the Missouri Genetic Advisory Committee, for a term ending August 20, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Stephanie M. Grise, 6550 Winona Avenue, Saint Louis City, Missouri 63109, as a member of the Credit Union Commission, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Jovita Foster, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory Helbig, Republican, 2064 North Farm Road 97, Springfield, Greene County, Missouri 65802, as a member of the State Milk Board, for a term ending September 28, 2013, and until his successor is duly appointed and qualified; vice, Gregory Helbig, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Byron Hill, 3712 Woodrail on the Green, Columbia, Boone County, Missouri 65203, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2012, and until his successor is duly appointed and qualified; vice, Byron Hill, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Reginal Hoskins, 3586 South Western Avenue, Springfield, Greene County, Missouri 65807, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, Reginal Hoskins, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daniel Isom, 2931 Saint Vincent, Saint Louis City, Missouri 63104, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2011, and until his successor is duly appointed and qualified; vice, Michael Force, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David Kierst, Jr., 7144 McGee, Kansas City, Jackson County, Missouri 64114, as a member of the Child Abuse and Neglect Review



Board, for a term ending April 07, 2011, and until his successor is duly appointed and qualified; vice, David Kierst, Jr., withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michele G. Kilo, 3413 Northwest 62<sup>nd</sup> Terrace, Kansas City, Platte County, Missouri 64151, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2010 and until her successor is duly appointed and qualified; vice, Michele Kilo, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lance Mayfield, 20 Meadowcrest, Viburnum, Iron County, Missouri 65566, as a member of the Missouri State Employees' Voluntary Life Insurance Commission for a term ending October 7, 2012, and until his successor is duly appointed and qualified; vice, Lance Mayfield, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jacquelyn Metheny, 701 East 63<sup>rd</sup> Terrace, Kansas City, Jackson County, Missouri 64110, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2012 and until her successor is duly appointed and qualified; vice, Jacquelyn Metheny, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John W. Newcomer, #3 Spoede Lane, Creve Coeur, Saint Louis County, Missouri 63141, as a member of the Drug Utilization Review Board, for a term ending October 15, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Vernetta Kaye Newsome, 3828 Southwest Sandstone Drive, Lee's Summit, Jackson County, Missouri 64082, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2014, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Robert P. Neumann, 5917 South State Highway ZZ, Republic, Greene County, Missouri 65738, as a member of the State Historical Records Advisory Board, for a term ending November 01, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas Owen, Republican, 851 Green Road, Marshfield, Webster County, Missouri 65706, as a member of the State Milk Board, for a term ending September 28, 2013, and until his successor is duly appointed and qualified; vice, Thomas Owen, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Cynthia L. Parks, 2665 North Locust Grove Church Road, Columbia, Boone County, Missouri 65202, as a member of the State Historical Records Advisory Board, for a term ending November 01, 2011, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Martina L. Peterson, 604 East 72nd Terrace, Kansas City, Jackson County, Missouri 64131, as a member of the Children's Trust Fund Board, for a term ending September 15, 2012, and until her successor is duly appointed and qualified; vice, Kimberly Mathis, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Pamela Ross, 18 Aberdeen Place, Saint Louis City, Missouri 63105, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Pamela Ross, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Regina Staves, 12200 Cherry Street, Kansas City, Jackson County, Missouri 64145, as a member of the Children's Trust Fund Board, for a term ending July 23, 2012, and until her successor is duly appointed and qualified; vice, Regina Staves, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

LeRoy Stromberg, 3250 Hawthorne Boulevard, Saint Louis, Saint Louis County, Missouri 63104, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2011, and until his successor is duly appointed and qualified; vice, LeRoy Stromberg, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ezekiel P. Tarrant, 1210 Gold Dust Drive, Webb City, Jasper County, Missouri 64870, as the student representative to the Missouri Southern State University Board of Governors for a term ending December 31, 2011, and until his successor is duly appointed and qualified; vice, Ivy Love, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joshua Tennison, 213 Frieda Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Workforce

Investment Board, for a term ending March 3, 2014, and until his successor is duly appointed and qualified; vice, Joshua Tennison, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Neva G. Thurston, 340 Sterling Price Road, Jefferson City, Cole County, Missouri 65109, as a member of the Mental Health Commission, for a term ending June 28, 2013, and until her successor is duly appointed and qualified; vice, Beth Viviano, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael E. Warrick, 6402 Cascades Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2014, and until his successor is duly appointed and qualified; vice, Roslyn M. Morgan, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Timothy White, Democrat, 5047 Rosa Avenue, Saint Louis City, Missouri 63109, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice Timothy White, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 9, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Paxton J. Williams, 3320 Texas Avenue 205A, Joplin, Newton County, Missouri 64804, as a member of the State Historical Records Advisory Board, for a term ending November 01, 2012, and until his successor is duly appointed and qualified; vice, Mary Beveridge, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

**INTRODUCTIONS OF GUESTS**

Senator Mayer introduced to the Senate, Steve and Donna Davis and their son, Matthew, Poplar Bluff.

On motion of Senator Engler, the Senate adjourned under the rules.

**SENATE CALENDAR**  

---

**THIRTY-FIFTH DAY—TUESDAY, MARCH 16, 2010**  

---

**FORMAL CALENDAR****HOUSE BILLS ON SECOND READING**

HCS for HB 1377  
HCS for HB 1497  
HCS for HB 1675  
HCS for HB 1750  
HCS for HBs 1311 & 1341  
HCS for HB 1498  
HB 1741-Pratt  
HCS for HBs 1408 & 1514

HB 1519-Hoskins (80) and Pace  
HCS for HB 1903  
HCS for HJR 86  
HJR 76-Dethrow, et al  
HB 1208-Day, et al  
HB 1745-Day, et al  
HB 1559-Brown (30)

**THIRD READING OF SENATE BILLS**

SS for SB 618-Rupp (In Fiscal Oversight)  
SB 627-Justus (In Fiscal Oversight)

SJR 20-Bartle (In Fiscal Oversight)  
SB 779-Bartle (In Fiscal Oversight)

SCS for SBs 842, 799 & 809-Schmitt  
(In Fiscal Oversight)

SS for SCS for SB 781-McKenna  
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| 1. SB 791-Griesheimer                     | 10. SBs 880, 780 & 836-Schaefer, with SCS |
| 2. SB 605-Mayer, with SCS                 | 11. SB 792-Dempsey and Rupp               |
| 3. SB 855-Schaefer, with SCS              | 12. SB 687-Wright-Jones                   |
| 4. SB 625-Justus and Keaveny, with SCS    | 13. SB 820-McKenna                        |
| 5. SB 878-Lembke, with SCS                | 14. SB 778-Pearce, with SCS               |
| 6. SB 587-Nodler and Cunningham, with SCS | 15. SB 844-Shields                        |
| 7. SJR 34-Goodman, et al                  | 16. SB 786-Rupp                           |
| 8. SB 920-Keaveny, with SCS               | 17. SB 721-Nodler and Goodman, with SCS   |
| 9. SB 887-Schaefer, with SCS              |   |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 579-Shields, with SCS               | SBs 895, 813, 911, 924, 922 &          |
| SB 596-Callahan, with SCS (pending)    | 802-Dempsey, et al, with SCS (pending) |
| SBs 607, 602, 615 & 725-Stouffer, with | SB 896-Shields and Crowell             |
| SCS & SA 1 (pending)                   | SB 905-Bray, et al, with SCS (pending) |
| SB 738-Crowell, with SCS               | SJR 22-Callahan                        |
| SB 777-Pearce, with SCS (pending)      | SJR 29-Purgason and Cunningham, with   |
| SB 793-Mayer, et al, with SCS, SA 1 &  | SCS & SS for SCS (pending)             |
| SA 1 to SA 1 (pending)                 | SJR 31-Scott                           |
| SB 818-Lembke, with SCS (pending)      | SJR 33-Bartle, with SA 1 (pending)     |
| SB 839-Wright-Jones, with SCS          | SJR 40-Goodman, with SA 1 (pending)    |
| SB 852-Lager, et al, with SS (pending) |  |

CONSENT CALENDAR

Senate Bills

Reported 2/18

SCS for SB 782-McKenna (In Fiscal Oversight)

Reported 2/25

SB 915-Barnitz, with SCS  
SB 863-Callahan, with SCS

SB 862-Callahan, with SCS

## Reported 3/4

SB 919-Ridgeway  
SB 860-Bray  
SB 700-Lager, with SCS  
SB 851-Schmitt, et al

SB 981-Callahan  
SB 942-Rupp, with SCS  
SB 877-Keaveny  
SB 929-Lager

## RESOLUTIONS

## Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18 (Rupp)  
SCR 34-Lembke, et al

SCR 33-Nodler  
SCR 46-Stouffer

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-FIFTH DAY—TUESDAY, MARCH 16, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I always give much away, and so gather happiness instead of pleasure.” (Rahel Levin Varnhagen)

Heavenly Father, we are so aware of the difficulties that our economy’s decline is creating for our people and the demands that we face as we look at a reduced budget and cuts that affect the lives of the people we serve. Guide us to make the best, most useful decisions that produce the most good. And we know that more will be expected of each of us in our personal benevolence and outreach to those in need so help us see the true joy of giving and satisfaction from helping another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Engler offered Senate Resolution No. 1843, regarding Nathan Raymond Mueller, Bloomsdale, which was adopted.

Senator Engler offered Senate Resolution No. 1844, regarding Anthony Charles Callahan, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 1845, regarding Donna Collins, Bismark, which was adopted.

Senator Vogel offered Senate Resolution No. 1846, regarding Craig Wehmeyer, which was adopted.

Senator Vogel offered Senate Resolution No. 1847, regarding Bette Morff, Jefferson City, which was adopted.

Senator Clemens offered Senate Resolution No. 1848, regarding Glen Horack, Elkland, which was adopted.

Senator Clemens offered Senate Resolution No. 1849, regarding Barry Hill, Strafford, which was adopted.

## SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 791** be taken up for perfection, which motion prevailed.

Senator Nodler assumed the Chair.

Senator Barnitz offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 791, Page 3, Section 204.300, Line 80, by inserting after all of said line the following:

“204.472. 1. **(1)** Whenever all or any part of a territory located within a sewer district that is located in any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants is included by annexation within the corporate limits of any city of the third classification with more than sixteen thousand six hundred but less than sixteen thousand seven hundred inhabitants, but is not receiving sewer service from such district or city at the time of such annexation, the city and the board of trustees of the district may, within six months after such annexation becomes effective, develop an agreement to provide sewer service to the annexed territory. Such an agreement may also be developed for territory that was annexed between January 1, 1996, and August 28, 2002, but was not receiving sewer service from such district or such city on August 28, 2002. For the purposes of this section, “not receiving sewer service” shall mean that no sewer services are being sold within the annexed territory by such district or city. If the city and the board reach an agreement that detaches any territory from such district, the agreement shall be submitted to the circuit court having jurisdiction over the major portion, and the circuit court shall make an order and judgment detaching the territory described in the agreement from the remainder of the district and stating the boundary lines of the district after such detachment. At such time that the circuit court's order and judgment becomes final, the clerk of the circuit court shall file certified copies of such order and judgment with the secretary of state and with the recorder of deeds and the county clerk of the county or counties in which the district is located.

If an agreement is developed between a city and a sewer district pursuant to this subsection, subsections 2 to 8 of this section shall not apply to such agreement.

**(2) Whenever all or any part of a territory located within a sewer district that is located in any county of the third classification is included by annexation within the corporate limits of any city, but is not receiving sewer service from such district or city at the time of such annexation, the city and the board of trustees of the district may, within six months after such annexation becomes effective, develop an agreement to provide sewer service to the annexed territory. Such an agreement may also be developed for territory that was annexed prior to August 28, 2010, but was not receiving sewer service from such district or such city as of August 28, 2010. For the purposes of this section, “not receiving sewer service” shall mean that no sewer services are being sold within the annexed territory by such district or city. If the city and the board reach an agreement that detaches any territory from such district, the agreement shall be submitted to the circuit court having jurisdiction over the major portion, and the circuit court shall make an order and judgment detaching the territory described in the agreement from the remainder of the district and stating the boundary lines of the district after such detachment. At such time that the circuit court's order and judgment becomes final, the clerk of the circuit court shall file certified copies of such order and judgment with the secretary of state and with the recorder of deeds and the county clerk of the county or counties in which the district is located. If an agreement is developed between a city and a sewer district pursuant to this subsection, subsections 2 to 8 of this section shall not apply to such agreement.**

2. In the event that the board of trustees of such district and the city cannot reach such an agreement, an application may be made by the board or the city to the circuit court requesting that three commissioners develop such an agreement. Such application shall include the name of one commissioner appointed by the applying party. The second party shall appoint one commissioner within thirty days of the service of the application upon the second party. If the second party fails to appoint a commissioner within such time period, the circuit court shall appoint a commissioner on behalf of the second party. Such two named commissioners may agree to appoint a third disinterested commissioner within thirty days after the appointment of the second commissioner. In the event that the two named commissioners cannot agree on or fail to appoint the third disinterested commissioner within thirty days after the appointment of the second commissioner, the circuit court shall appoint the third disinterested commissioner.

3. Upon the filing of such application and the appointment of three such commissioners, the circuit court shall set a time for one or more hearings and shall order a public notice including the nature of the application, the annexed area affected, the names of the commissioners, and the time and place of such hearings, to be published for three weeks consecutively in a newspaper published in the county in which the application is pending, the last publication to be not more than seven days before the date set for the first hearing.

4. The commissioners shall develop an agreement between the district and the city to provide sewer service to the annexed territory. In developing the agreement, the commissioners shall consider information presented to them at hearings and any other information at their disposal including, but not limited to:

- (1) The estimated future loss of revenue and costs for the sewer district related to the agreement;
- (2) The amount of indebtedness of the sewer district within the annexed territory;
- (3) Any contractual obligations of the sewer district within the annexed area; and

(4) The effect of the agreement on the sewer rates of the district.

The agreement shall also include a recommendation for the apportionment of costs incurred pursuant to subsections 2 to 8 of this section, including reasonable compensation for the commissioners, between the city and the district.

5. If the circuit court finds that the agreement provides for necessary sewer service in the annexed territory, then such agreement shall be fully effective upon approval by the circuit court. The circuit court shall also review the recommended apportionment of court costs incurred and the reasonable compensation for the commissioners and affirm or modify such recommendations.

6. The order and judgment of the circuit court shall be subject to appeal as provided by law.

7. If the circuit court approves a detachment as part of the territorial agreement, it shall make its order and judgment detaching the territory described in the application from the remainder of the district and stating the boundary lines of the district after such detachment.

8. At such time that the circuit court's order and judgment becomes final, the clerk of the circuit court shall file certified copies of such order and judgment with the secretary of state and with the recorder of deeds and the county clerk of the county or counties in which the district is located.

9. The proportion of the sum of all outstanding bonds and debt, with interest thereon, that is required to be paid to the sewer district pursuant to this section, shall be the same as the proportion of the assessed valuation of the real and tangible personal property within the area sought to be detached bears to the assessed valuation of all of the real and tangible personal property within the entire area of the sewer district.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Pearce offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Bill No. 791, Page 2, Section 204.300, Line 51, by striking the words “an eight-member” and inserting in lieu thereof the following: “**a ten-member**”; and further amend line 52 by striking the word “four” and inserting in lieu thereof the following: “**five**”; and further amend line 53 by striking the word “two” and inserting in lieu thereof the following: “**three**”; and further amend line 54 by striking the word “four” and inserting in lieu thereof the following: “**five**”; and

Further amend said bill and section, page 3, line 63 by striking the word “nine” and inserting in lieu thereof the following: “**eleven**”; and

Further amend said bill, page, and section, line 80, by inserting immediately after said line the following:

“204.569. When an unincorporated sewer subdistrict of a common sewer district has been formed pursuant to sections 204.565 to 204.573, the board of trustees of the common sewer district shall have the same powers with regard to the subdistrict as for the common sewer district as a whole, plus the following additional powers:

(1) To enter into agreements to accept, take title to, or otherwise acquire, and to operate such sewers, sewer systems, treatment and disposal facilities, and other property, both real and personal, of the political

subdivisions included in the subdistrict as the board determines to be in the interest of the common sewer district to acquire or operate, according to such terms and conditions as the board finds reasonable, provided that such authority shall be in addition to the powers of the board of trustees pursuant to section 204.340;

(2) To provide for the construction, extension, improvement, and operation of such sewers, sewer systems, and treatment and disposal facilities, as the board determines necessary for the preservation of public health and maintenance of sanitary conditions in the subdistrict;

(3) For the purpose of meeting the costs of activities undertaken pursuant to the authority granted in this section, to issue bonds in anticipation of revenues of the subdistrict in the same manner as set out in sections 204.360 to 204.450, for other bonds of the common sewer district. Issuance of such bonds for the subdistrict shall require the assent only of four-sevenths of the voters of the subdistrict voting on the question, [and] **except that, as an alternative to such a vote, if the subdistrict is a part of a common sewer district located in whole or in part in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants, bonds may be issued for such subdistrict if the question receives the written assent of three-quarters of the customers of the subdistrict in a manner consistent with section 204.370, where “customer”, as used in this subdivision, means any political subdivision within the subdistrict that has a service or user agreement with the common sewer district.** The principal and interest of [such] **any bonds issued under this subdivision** shall be payable only from the revenues of the subdistrict and not from any revenues of the common sewer district as a whole;

(4) To charge the costs of the common sewer district for operation and maintenance attributable to the subdistrict, plus a proportionate share of the common sewer district's costs of administration to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440;

(5) With prior concurrence of the subdistrict's advisory board, to provide for the treatment and disposal of sewage from the subdistrict in or by means of facilities of the common sewer district not located within the subdistrict, in which case the board of trustees shall also have authority to charge a proportionate share of the costs of the common sewer district for operation and maintenance to revenues of the subdistrict and to consider such costs in determining reasonable charges to impose within the subdistrict under section 204.440.”; and

Further amend the title and enacting clause accordingly.

Senator Pearce moved that the above amendment be adopted.

Senator Crowell offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Bill No. 791, Page 2, Section 204.300, Line 51, by striking the words “an eight-member” and inserting in lieu thereof the following: **“a ten-member”**; and further amend line 52 by striking the word “four” and inserting in lieu thereof the following: **“five”**; and further amend line 53 by striking the word “two” and inserting in lieu thereof the following: **“three”**; and further amend line 54 by striking the word “four” and inserting in lieu thereof the following: **“five”**; and

Further amend said bill and section, page 3, line 63 by striking the word “nine” and inserting in lieu

thereof the following: “**eleven**”.

Senator Crowell moved that the above substitute amendment be adopted, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Stouffer assumed the Chair.

Senator Crowell offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 791, Page 4, Section 250.070, Lines 1-10, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SB 791**, as amended, was declared perfected and ordered printed.

Senator Mayer moved that **SB 605**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 605**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 605

An Act to repeal section 48.020, RSMo, and to enact in lieu thereof one new section relating to county classification, with an emergency clause.

Was taken up.

Senator Mayer moved that **SCS** for **SB 605** be adopted.

Senator Mayer offered **SS** for **SCS** for **SB 605**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 605

An Act to repeal section 48.020, RSMo, and to enact in lieu thereof one new section relating to county classification, with an emergency clause.

Senator Mayer moved that **SS** for **SCS** for **SB 605** be adopted, which motion prevailed.

On motion of Senator Mayer, **SS** for **SCS** for **SB 605** was declared perfected and ordered printed.

Senator Schaefer moved that **SB 855**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 855**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 855

An Act to amend chapter 193, RSMo, by adding thereto one new section relating to heritage birth or marriage certificates.

Was taken up.

Senator Schaefer moved that **SCS** for **SB 855** be adopted.

Senator Crowell offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 855, Page 2, Section 193.059, Lines 30-49, by striking all of said lines and inserting in lieu thereof the following: “**general revenue fund.**”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SCS** for **SB 855**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **SB 855**, as amended, was declared perfected and ordered printed.

**SB 625**, with **SCS**, was placed on the Informal Calendar.

Senator Lembke moved that **SB 878**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 878**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 878**

An Act to repeal section 143.790, RSMo, and to enact in lieu thereof two new sections relating to a debt setoff for unpaid healthcare expenses.

Was taken up.

Senator Lembke moved that **SCS** for **SB 878** be adopted.

At the request of Senator Lembke, **SB 878**, with **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

**RESOLUTIONS**

Senator Shields offered Senate Resolution No. 1850, regarding Daniel Durbin Mullins, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1851, regarding the Saint Joseph School District Rainbows Gifted Program’s Innovators team, which was adopted.

Senators McKenna, Callahan and Green offered Senate Resolution No. 1852, regarding Daniel G. McKay, which was adopted.

Senator Stouffer offered Senate Resolution No. 1853, regarding Police Chief Bryan John Kunze, Fayette, which was adopted.

Senator Scott offered Senate Resolution No. 1854, regarding Alyssa Sue Nelson, Edwards, which was adopted.

Senator Scott offered Senate Resolution No. 1855, regarding Brittany Hathaway, Sedalia, which was

adopted.

Senator Purgason offered Senate Resolution No. 1856, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dow Wilkerson, Thayer, which was adopted.

Senator Scott offered Senate Resolution No. 1857, regarding the Lone Bear District of the Boy Scouts of America, which was adopted.

Senator Scott offered Senate Resolution No. 1858, regarding Michael Crawford, Long Lane, which was adopted.

Senator Scott offered Senate Resolution No. 1859, regarding Debra K. Edge, Bolivar, which was adopted.

Senator Mayer offered Senate Resolution No. 1860, regarding the Eightieth Birthday of Helen Bernice Goff Warren, Greenville, which was adopted.

### CONCURRENT RESOLUTIONS

Senator Rupp moved that **HCS** for **HCR 18** be taken up for adoption, which motion prevailed.

Senator Green offered **SS** for **HCS** for **HCR 18**:

#### SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 18

WHEREAS, the current state of health care affordability and accessibility in Missouri is in need of serious attention; and

WHEREAS, the General Assembly has both the responsibility and moral duty to produce public policy solutions to help make health care more affordable and accessible for all citizens; and

WHEREAS, simply expressing the General Assembly's wishes to the United States Congress is not going to have any discernable affect on this important issue:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby establishes the "Commission on the Reorganization of State Health Care". The commission shall have as its purpose the study, review, and recommendation of creating a "Division of State Health Care" within the office of administration, which shall be dedicated to providing health care coverage for all state employees, dependents, and retirees and those recipients of programs. The commission shall consist of sixteen members:

- (1) Two members of the senate, one appointed by the president pro tem of the senate and one appointed by the senate minority floor leader;
  - (2) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the house minority floor leader;
  - (3) The commissioner of the office of administration or the commissioner's designee;
  - (4) The director of the department of insurance, financial institutions and professional registration or the director's designee;
  - (5) The director of the MO HealthNet division or the director's designee;
  - (6) The director of the department of social services or the director's designee;
  - (7) The executive director of the Missouri consolidated health care plan or the director's designee;
  - (8) One member of the state highways and transportation commission;
  - (9) One member of the state conservation commission; and
  - (10) One member of the board of curators of the University of Missouri;
  - (11) The commissioner of the coordinating board of higher education or the commissioner's designee;
  - (12) One representative of the public four-year institutions of higher education, excluding the University of Missouri, appointed by the governor with the advice and consent of the senate; and
  - (13) Two individual representatives of small business in this state, appointed by the governor with the advice and consent of the senate;
- and



BE IT FURTHER RESOLVED that the commission shall designate a work group to provide analysis on the recommendations required of the commission consisting of members representing any health policy center or program from the public institutions of higher education in the state; and

BE IT FURTHER RESOLVED that the commission shall designate a work group consisting of members of the Missouri school boards association, the Missouri community colleges association, and small business organizations to provide analysis for recommendations of the second and third phase of the reorganization; and

BE IT FURTHER RESOLVED that the commission shall submit a report to the general assembly and governor by December 31, 2010, on the creation of a "Division of State Health Care" within the office of administration to serve, through three implementation phases, as the lead planning state entity for all health issues in the state. The commission's duties shall be as follows:

(1) Provide an analysis on whether the creation of a division of state health care would:

(a) Remedy the current situation wherein the responsibility for health care policy, purchasing, planning, and regulation is spread among many different agencies and departments;

(b) Permit the state to maximize its purchasing power inasmuch as the state now has none of its health care purchasing coordinated;

(c) Minimize duplication and maximize administrative efficiency in the state's health care systems by removing overlapping functions and streamlining uncoordinated programs;

(d) Allow the state to develop a better health care infrastructure that is more responsive to the consumers it serves while improving access to and coverage for health care; and

(e) Focus more attention and divisional procedures on the issue of wellness, including diet, exercise, and personal responsibility;

(2) Make recommendations on granting the division of state health care, during a first phase, the authority to carry out all powers, duties, and functions previously performed by:

(a) The Mo HealthNet division under section 208.201;

(b) The state highways and transportation commission, relating to the furnishing of health insurance benefits to cover medical expenses for members of the highways and transportation employees' and highway patrol retirement system;

(c) The board of trustees of the Missouri consolidated health care plan pursuant to chapter 103, RSMo;

(d) The department of social services, relating to the administration of a program to pay for health care for uninsured children under sections 208.631 to 208.657, RSMo;

(e) The state conservation commission, relating to the furnishing of health insurance for department of conservation employees and their dependents and retirees;

(f) The public four-year institutions of higher education, excluding the University of Missouri, relating to the furnishing of health insurance plans for employees of such institutions and their dependents and retirees; and

(g) The board of curators of the University of Missouri, relating to the furnishing of health insurance plans for employees of the university system and their dependents and retirees;

(3) Investigate coordinating and purchasing health care benefit plans, during a second phase, for employees of the public schools, community colleges, political subdivisions of the state, and all such employees' dependents; and

(4) Investigate the feasibility of creating and administering insurance programs in a third phase for small businesses and the uninsured in this state.

BE IT FURTHER RESOLVED that the commission shall expire on February 1, 2011; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the President Pro Tem of the Senate.

Senator Green moved that **SS** for **HCS** for **HCR 18** be adopted.

Senator Rupp raised the point of order that **SS** for **HCS** for **HCR 18** is out of order as it goes beyond the scope of the underlying resolution and also is not a true substitute.

The point of order was referred to the President Pro Tem who ruled it well taken.

**HCS** for **HCR 18** was again taken up.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Concurrent Resolution No. 18, as it appears on Page 143 of the Senate Journal for Wednesday, January 20, 2010, Line 14 of said journal page, by inserting after “delegation” the following: “; and

BE IT FURTHER RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby urge our Missouri Congressional delegation to support fixing the “donut hole” and allowing the federal government to use its spending power to negotiate drug prices under the federal program commonly known as “Medicare Part D”.”

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Rupp, **HCS** for **HCR 18**, with **SA 1** (pending), was placed back on the calendar.

President Pro Tem Shields assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 782**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SBs 842, 799** and **809**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SJR 25**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 698**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer assumed the Chair.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 877**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 791**; **SS** for **SCS** for **SB 605**; and **SCS** for **SB 855**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 38**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 38, Page 325 of the Senate Journal for Monday, February 15, 2010, Line 21, by inserting immediately after "Senate," the following: "the Minority Leader of the United States House of Representatives, the Minority Leader of the United States Senate,".

#### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR**s **48**, **50** and **57**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, relating to prohibiting laws interfering with freedom of choice in health care.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Engler, the Senate recessed until 7:00 p.m.

#### RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

#### SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 587**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 587**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 587

An Act to amend chapter 27, RSMo, by adding thereto one new section relating to the tenth amendment commission, with a referendum clause.

Was taken up.

Senator Nodler moved that **SCS** for **SB 587** be adopted.

Senator Bray offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 587, Page 1, In the Title, Lines 2 and 3, by striking the following: “the tenth amendment commission” and inserting in lieu thereof the following: “commissions to protect constitutional rights”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“27.105. 1. There is hereby established the “First Amendment Commission”, which shall guide, advise, and make recommendations to the attorney general. The commission shall refer cases to the attorney general when an individual's right to freedom of speech under the first amendment to the United States Constitution is abridged. The attorney general is authorized to seek appropriate relief to preserve the protections of this amendment.**

**2. The commission shall consist of seven members, two members appointed by the governor, two members appointed by the president pro tempore of the senate from among the members of the senate, two members appointed by the speaker of the house of representatives from among the members of the house of representatives, and one member appointed by the chief justice of the supreme court from among the members of the judiciary. The commission members shall serve without compensation, except that members shall, subject to appropriation, be reimbursed for reasonable and necessary expenses actually incurred in the performance of their official duties.**

**3. All members shall be appointed to serve two-year terms and may be appointed to successive terms. Any senator or member of the house of representatives who serves on the commission shall be removed from the commission upon the completion of their service in the general assembly. Any vacancy in the commission shall be filled in the same manner as the original appointment.**

**4. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and vice chairperson. The commission may hold such additional meetings as may be required in the performance of its duties.**

**5. The governor, general assembly, and judiciary shall provide administrative support and staff as necessary for the effective operation of the commission from existing resources. Any expenditure of the commission shall be subject to appropriation.**

**27.110. 1. There is hereby established the “Second Amendment Commission”, which shall guide, advise, and make recommendations to the attorney general. The commission shall refer cases to the attorney general when the right of the people to keep and bear arms under the second amendment to the United States Constitution is infringed. The attorney general is authorized to seek appropriate relief to preserve the protections of this amendment.**

**2. The commission shall consist of seven members, two members appointed by the governor, two members appointed by the president pro tempore of the senate from among the members of the senate, two members appointed by the speaker of the house of representatives from among the members of the house of representatives, and one member appointed by the chief justice of the supreme court from among the members of the judiciary. The commission members shall serve without compensation, except that members shall, subject to appropriation, be reimbursed for**

reasonable and necessary expenses actually incurred in the performance of their official duties.

3. All members shall be appointed to serve two-year terms and may be appointed to successive terms. Any senator or member of the house of representatives who serves on the commission shall be removed from the commission upon the completion of their service in the general assembly. Any vacancy in the commission shall be filled in the same manner as the original appointment.

4. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and vice chairperson. The commission may hold such additional meetings as may be required in the performance of its duties.

5. The governor, general assembly, and judiciary shall provide administrative support and staff as necessary for the effective operation of the commission from existing resources. Any expenditure of the commission shall be subject to appropriation.

27.115. 1. There is hereby established the “Third Amendment Commission”, which shall guide, advise, and make recommendations to the attorney general. The commission shall refer cases to the attorney general when a soldier, in time of peace, is quartered in any house without the consent of the owner in violation of the third amendment to the United States Constitution. The attorney general is authorized to seek appropriate relief to preserve the protections of this amendment.

2. The commission shall consist of seven members, two members appointed by the governor, two members appointed by the president pro tempore of the senate from among the members of the senate, two members appointed by the speaker of the house of representatives from among the members of the house of representatives, and one member appointed by the chief justice of the supreme court from among the members of the judiciary. The commission members shall serve without compensation, except that members shall, subject to appropriation, be reimbursed for reasonable and necessary expenses actually incurred in the performance of their official duties.

3. All members shall be appointed to serve two-year terms and may be appointed to successive terms. Any senator or member of the house of representatives who serves on the commission shall be removed from the commission upon the completion of their service in the general assembly. Any vacancy in the commission shall be filled in the same manner as the original appointment.

4. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and vice chairperson. The commission may hold such additional meetings as may be required in the performance of its duties.

5. The governor, general assembly, and judiciary shall provide administrative support and staff as necessary for the effective operation of the commission from existing resources. Any expenditure of the commission shall be subject to appropriation.

27.120. 1. There is hereby established the “Fourth Amendment Commission”, which shall guide, advise, and make recommendations to the attorney general. The commission shall refer cases to the attorney general when an unreasonable search or seizure in violation of the fourth amendment to the United States Constitution occurs. The attorney general is authorized to seek appropriate relief to preserve the protections of this amendment.

2. The commission shall consist of seven members, two members appointed by the governor, two members appointed by the president pro tempore of the senate from among the members of the senate, two members appointed by the speaker of the house of representatives from among the members of the house of representatives, and one member appointed by the chief justice of the

supreme court from among the members of the judiciary. The commission members shall serve without compensation, except that members shall, subject to appropriation, be reimbursed for reasonable and necessary expenses actually incurred in the performance of their official duties.

3. All members shall be appointed to serve two-year terms and may be appointed to successive terms. Any senator or member of the house of representatives who serves on the commission shall be removed from the commission upon the completion of their service in the general assembly. Any vacancy in the commission shall be filled in the same manner as the original appointment.

4. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and vice chairperson. The commission may hold such additional meetings as may be required in the performance of its duties.

5. The governor, general assembly, and judiciary shall provide administrative support and staff as necessary for the effective operation of the commission from existing resources. Any expenditure of the commission shall be subject to appropriation.

27.125. 1. There is hereby established the “Fifth Amendment Commission”, which shall guide, advise, and make recommendations to the attorney general. The commission shall refer cases to the attorney general when a person is held to answer for a capital or otherwise infamous crime without a presentment or indictment of a grand jury in violation of the fifth amendment to the United States Constitution. The attorney general is authorized to seek appropriate relief to preserve the protections of this amendment.

2. The commission shall consist of seven members, two members appointed by the governor, two members appointed by the president pro tempore of the senate from among the members of the senate, two members appointed by the speaker of the house of representatives from among the members of the house of representatives, and one member appointed by the chief justice of the supreme court from among the members of the judiciary. The commission members shall serve without compensation, except that members shall, subject to appropriation, be reimbursed for reasonable and necessary expenses actually incurred in the performance of their official duties.

3. All members shall be appointed to serve two-year terms and may be appointed to successive terms. Any senator or member of the house of representatives who serves on the commission shall be removed from the commission upon the completion of their service in the general assembly. Any vacancy in the commission shall be filled in the same manner as the original appointment.

4. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and vice chairperson. The commission may hold such additional meetings as may be required in the performance of its duties.

5. The governor, general assembly, and judiciary shall provide administrative support and staff as necessary for the effective operation of the commission from existing resources. Any expenditure of the commission shall be subject to appropriation.

27.130. 1. There is hereby established the “Sixth Amendment Commission”, which shall guide, advise, and make recommendations to the attorney general. The commission shall refer cases to the attorney general when the right to a speedy trial under the sixth amendment to the United States Constitution is violated. The attorney general is authorized to seek appropriate relief to preserve the protections of this amendment.

2. The commission shall consist of seven members, two members appointed by the governor, two members appointed by the president pro tempore of the senate from among the members of the senate, two members appointed by the speaker of the house of representatives from among the members of the house of representatives, and one member appointed by the chief justice of the supreme court from among the members of the judiciary. The commission members shall serve without compensation, except that members shall, subject to appropriation, be reimbursed for reasonable and necessary expenses actually incurred in the performance of their official duties.

3. All members shall be appointed to serve two-year terms and may be appointed to successive terms. Any senator or member of the house of representatives who serves on the commission shall be removed from the commission upon the completion of their service in the general assembly. Any vacancy in the commission shall be filled in the same manner as the original appointment.

4. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and vice chairperson. The commission may hold such additional meetings as may be required in the performance of its duties.

5. The governor, general assembly, and judiciary shall provide administrative support and staff as necessary for the effective operation of the commission from existing resources. Any expenditure of the commission shall be subject to appropriation.

27.135. 1. There is hereby established the “Seventh Amendment Commission”, which shall guide, advise, and make recommendations to the attorney general. The commission shall refer cases to the attorney general when the common law right to trial by jury under the seventh amendment to the United States Constitution is violated. The attorney general is authorized to seek appropriate relief to preserve the protections of this amendment.

2. The commission shall consist of seven members, two members appointed by the governor, two members appointed by the president pro tempore of the senate from among the members of the senate, two members appointed by the speaker of the house of representatives from among the members of the house of representatives, and one member appointed by the chief justice of the supreme court from among the members of the judiciary. The commission members shall serve without compensation, except that members shall, subject to appropriation, be reimbursed for reasonable and necessary expenses actually incurred in the performance of their official duties.

3. All members shall be appointed to serve two-year terms and may be appointed to successive terms. Any senator or member of the house of representatives who serves on the commission shall be removed from the commission upon the completion of their service in the general assembly. Any vacancy in the commission shall be filled in the same manner as the original appointment.

4. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and vice chairperson. The commission may hold such additional meetings as may be required in the performance of its duties.

5. The governor, general assembly, and judiciary shall provide administrative support and staff as necessary for the effective operation of the commission from existing resources. Any expenditure of the commission shall be subject to appropriation.

27.140. 1. There is hereby established the “Eighth Amendment Commission”, which shall guide, advise, and make recommendations to the attorney general. The commission shall refer cases to the

attorney general when cruel and unusual punishments are inflicted on an individual in this state in violation of the eighth amendment to the United States Constitution. The attorney general is authorized to seek appropriate relief to preserve the protections of this amendment.

2. The commission shall consist of seven members, two members appointed by the governor, two members appointed by the president pro tempore of the senate from among the members of the senate, two members appointed by the speaker of the house of representatives from among the members of the house of representatives, and one member appointed by the chief justice of the supreme court from among the members of the judiciary. The commission members shall serve without compensation, except that members shall, subject to appropriation, be reimbursed for reasonable and necessary expenses actually incurred in the performance of their official duties.

3. All members shall be appointed to serve two-year terms and may be appointed to successive terms. Any senator or member of the house of representatives who serves on the commission shall be removed from the commission upon the completion of their service in the general assembly. Any vacancy in the commission shall be filled in the same manner as the original appointment.

4. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and vice chairperson. The commission may hold such additional meetings as may be required in the performance of its duties.

5. The governor, general assembly, and judiciary shall provide administrative support and staff as necessary for the effective operation of the commission from existing resources. Any expenditure of the commission shall be subject to appropriation.

27.145. 1. There is hereby established the “Ninth Amendment Commission”, which shall guide, advise, and make recommendations to the attorney general. The commission shall refer cases to the attorney general when the rights not enumerated in the United States Constitution, but retained by the people, are violated. The attorney general is authorized to seek appropriate relief to preserve the protections of this amendment.

2. The commission shall consist of seven members, two members appointed by the governor, two members appointed by the president pro tempore of the senate from among the members of the senate, two members appointed by the speaker of the house of representatives from among the members of the house of representatives, and one member appointed by the chief justice of the supreme court from among the members of the judiciary. The commission members shall serve without compensation, except that members shall, subject to appropriation, be reimbursed for reasonable and necessary expenses actually incurred in the performance of their official duties.

3. All members shall be appointed to serve two-year terms and may be appointed to successive terms. Any senator or member of the house of representatives who serves on the commission shall be removed from the commission upon the completion of their service in the general assembly. Any vacancy in the commission shall be filled in the same manner as the original appointment.

4. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and vice chairperson. The commission may hold such additional meetings as may be required in the performance of its duties.

5. The governor, general assembly, and judiciary shall provide administrative support and staff as necessary for the effective operation of the commission from existing resources. Any expenditure



**of the commission shall be subject to appropriation.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bray requested a division of the question on the adoption of **SA 1**, asking that a vote first be taken on the portion of the amendment amending the title and Section 27.105; a second vote be taken on Section 27.110; a third vote be taken on Section 27.115; a fourth vote be taken on Section 27.120; a fifth vote be taken on Section 27.125; a sixth vote be taken on Section 27.130; a seventh vote be taken on Section 27.135; an eighth vote be taken on Section 27.140; and a ninth vote be taken on Section 27.145, which request was granted.

Senator Bray moved that Part I of **SA 1** be adopted.

At the request of Senator Nodler, **SB 587**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Goodman moved that **SJR 34** be taken up for perfection, which motion prevailed.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 34, Page 1, Section 54.1, Lines 5-6, by striking said lines and inserting in lieu thereof the following “**general is directed to seek such relief by a petition**”.

Senator Callahan moved that the above amendment be adopted.

Senator Dempsey assumed the Chair.

At the request of Senator Goodman, **SJR 34**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Keaveny moved that **SB 920**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 920**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 920

An Act to amend chapter 456, RSMo, by adding thereto one new section relating to the transfer of tenancy by the entireties property to a trust.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 920** be adopted.

Senator Keaveny offered **SS** for **SCS** for **SB 920**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 920

An Act to amend chapter 456, RSMo, by adding thereto one new section relating to the transfer of tenancy by the entireties property to a trust.

Senator Keaveny moved that **SS** for **SCS** for **SB 920** be adopted, which motion prevailed.

On motion of Senator Keaveny, **SS** for **SCS** for **SB 920**, was declared perfected and ordered printed.

Senator Schaefer moved that **SB 887**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 887**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 887

An Act to repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to the designation of controlled substances, with penalty provisions and an emergency clause.

Was taken up.

Senator Schaefer moved that **SCS** for **SB 887** be adopted.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 887, Page 4, Section 195.017, Line 121, by striking all of said line and inserting in lieu thereof the following: “[*(v)* Marijuana or marihuana;]”; and renumbering the remaining paragraphs accordingly; and

Further amend said bill and section, page 9, line 289, by inserting immediately after “(PCC)” the following: “;”

**(7) Marijuana or Marihuana”.**

Senator Bray moved that the above amendment be adopted.

Senator Scott requested a roll call vote be taken and was joined in his request by Senators Bray, Engler, Goodman and Shields.

**SA 1** failed of adoption by the following vote:

YEAS—Senators

Bray	Days	Green	Justus	McKenna—5
------	------	-------	--------	-----------

NAYS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey	Engler
Goodman	Griesheimer	Keaveny	Lager	Lembke	Mayer	Nodler	Pearce
Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Wilson	Wright-Jones—26						

Absent—Senator Stouffer—1

Absent with leave—Senators

Bartle	Vogel—2
--------	---------

Vacancies—None

Senator Schaefer moved that **SCS** for **SB 887** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **SB 887** was declared perfected and ordered printed.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 920**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, his wife, Joncee, Joplin; his mother, Bea and his brother, Charles, Neosho; and sisters, Sue Hamide, her husband, Naji and their grandchildren, Ashlyn and Ansley, Texas; and Janice Vaughn, her husband, Jim, Oklahoma and their grandchildren, Madison and Makenzie Matlage, Texas; and Madison, Makenzie, Ashlyn and Ansley were made honorary pages.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Tim Jones, M.D., Creve Coeur.

Senator Schmitt introduced to the Senate, seventy-five fourth grade students from Robinson Elementary School, Kirkwood.

Senator Pearce introduced to the Senate, Marsha A. Abbott, Kelly Elliott, Julie Whitsell, Brenda Wright and Christopher Terry, members of the Missouri Circuit Clerks Association.

Senator Engler introduced to the Senate, Susan Sadler, Pettis County; Gerri Harrelson, Pike County; Gina Jameson, Ralls County; Steve Helms, Greene County; Steve Haymes, Clay County; Vicki Weible, St. Francois County; Marsha Holiman, Platte County; Wanda Frye and Kim March, Macon County; Brenda Umstattd, Cole County; Rosalie Shively, Shelby County; Elaine Chough, Linn County; and Christy Hency, Scott County, members of the Missouri Circuit Clerks Association.

Senator Nodler introduced to the Senate, Coaches Jeremy Phillips and Donny Pennington and members of the Class 3 State Champion Neosho High School wrestling team, Nate Rodriguez, Joe Barnes, Trevor Hughes, Carter Boatright, Payne Hatter, Ethan Pogue, Paul Carey, Dallas Smith, Matt Millard, Riley Plew and George McKinney.

Senator Shoemyer introduced to the Senate, Debbie Sears and Marc Colvin, Scotland County High School.

Senator Scott introduced to the Senate, Vesta Seiner, Polk County; Melinda Gumm, Cedar County; and Chris Terry and Marsha Abbott, Henry County, members of the Missouri Circuit Clerks Association.

Senator Scott introduced to the Senate, his wife, Donna and Sharon McLerran, Lowry City; and Marla Teed, Salina, Oklahoma.

Senator Green introduced to the Senate, Principal Kerry McDaniel, Cheryl Scurry, Ms. Wineland, Ms. Flynn, parents and sixty-six fourth grade students from Robinwood Elementary School, Florissant; and A'keila Bryant, Jordyn LaBarge, Gabi Rodrigues and Paige O'Brien were made honorary pages.

Senator Griesheimer introduced to the Senate, Nancy Bruder and essay winners, Melissa George, Johanna Mayer, Claire Schroeder, Chelsea Krueger, Julie McBride, Abby Baldwin, Alison Snider and Ashley

Fleeman, Washington Federation of Republican Women.

Senator Lager introduced to the Senate, Erin Oehler and students, Serena Sundell, Daniel Nam and Felicia Sheil, Horace Mann Laboratory School, Maryville.

Senator Schmitt introduced to the Senate, Peter and Susan Saputo and their son, Jack, Valley Park; and Jack was made an honorary page.

Senator Bray introduced to the Senate, Nina Kobahidze, Republic of Georgia.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

THIRTY-SIXTH DAY—WEDNESDAY, MARCH 17, 2010

---

## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 1377	HB 1519-Hoskins (80) and Pace
HCS for HB 1497	HCS for HB 1903
HCS for HB 1675	HCS for HJR 86
HCS for HB 1750	HJR 76-Dethrow, et al
HCS for HBs 1311 & 1341	HB 1208-Day, et al
HCS for HB 1498	HB 1745-Day, et al
HB 1741-Pratt	HB 1559-Brown (30)
HCS for HBs 1408 & 1514	HCS for HJR 48, 50 & 57

### THIRD READING OF SENATE BILLS

- |   |                                   |
|---|-----------------------------------|
| 1. SS for SB 618-Rupp (In Fiscal Oversight)               | 7. SB 791-Griesheimer             |
| 2. SB 627-Justus (In Fiscal Oversight)                    | 8. SS for SCS for SB 605-Mayer    |
| 3. SJR 20-Bartle (In Fiscal Oversight)                    | 9. SCS for SB 855-Schaefer        |
| 4. SB 779-Bartle (In Fiscal Oversight)                    | 10. SS for SCS for SB 920-Keaveny |
| 5. SCS for SBs 842, 799 & 809-Schmitt                     |                                   |
| 6. SS for SCS for SB 781-McKenna<br>(In Fiscal Oversight) |                                   |

SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| 1. SBs 880, 780 & 836-Schaefer, with SCS | 6. SB 844-Shields                      |
| 2. SB 792-Dempsey and Rupp               | 7. SB 786-Rupp                         |
| 3. SB 687-Wright-Jones                   | 8. SB 721-Nodler and Goodman, with SCS |
| 4. SB 820-McKenna                        | 9. SJR 25-Cunningham, et al, with SCS  |
| 5. SB 778-Pearce, with SCS               | 10. SB 698-Griesheimer, with SCS       |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 579-Shields, with SCS  | SB 852-Lager, et al, with SS (pending)                                  |
| SB 587-Nodler and Cunningham, with SCS &<br>SA 1 (pending)      | SB 878-Lembke, with SCS (pending)                                       |
| SB 596-Callahan, with SCS (pending)                             | SBs 895, 813, 911, 924, 922 &<br>802-Dempsey, et al, with SCS (pending) |
| SBs 607, 602, 615 & 725-Stouffer, with<br>SCS & SA 1 (pending)  | SB 896-Shields and Crowell  |
| SB 625-Justus and Keaveny, with SCS                             | SB 905-Bray, et al, with SCS (pending)                                  |
| SB 738-Crowell, with SCS  | SJR 22-Callahan   |
| SB 777-Pearce, with SCS (pending)                               | SJR 29-Purgason and Cunningham, with SCS<br>& SS for SCS (pending)      |
| SB 793-Mayer, et al, with SCS, SA 1 & SA 1 to<br>SA 1 (pending) | SJR 31-Scott  |
| SB 818-Lembke, with SCS (pending)                               | SJR 33-Bartle, with SA 1 (pending)                                      |
| SB 839-Wright-Jones, with SCS                                   | SJR 34-Goodman, et al, with SA 1 (pending)                              |
|   | SJR 40-Goodman, with SA 1 (pending)                                     |

CONSENT CALENDAR

Senate Bills

Reported 2/18

SCS for SB 782-McKenna

Reported 2/25

SB 915-Barnitz, with SCS  
SB 863-Callahan, with SCS

SB 862-Callahan, with SCS

## Reported 3/4

SB 919-Ridgeway  
SB 860-Bray  
SB 700-Lager, with SCS  
SB 851-Schmitt, et al

SB 981-Callahan  
SB 942-Rupp, with SCS  
SB 929-Lager

## RESOLUTIONS

## Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 34-Lembke, et al

SCR 33-Nodler  
SCR 46-Stouffer  
HCR 38-Icet, et al, with SCA 1

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-SIXTH DAY—WEDNESDAY, MARCH 17, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“To you, O LORD, I lift up my soul. O my God, in you I trust; do not let me be put to shame;” (Psalm 25:1)

Gracious God, help us do our best at all times, to behave as You would have Your children who walk in wisdom live. Help us that we might use our intelligence wisely, at every opportunity to effectively express warm hearts, kindly voices and an open hand to endow grace to others and show our trust in You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Stouffer assumed the Chair.

### **RESOLUTIONS**

Senator Wilson offered Senate Resolution No. 1861, regarding the Socialites of Kansas City, which was adopted.

Senator Purgason offered Senate Resolution No. 1862, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Fletcher, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 1863, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Miles Appling, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 1864, regarding the Sixty-fourth Wedding Anniversary of Mr. and Mrs. Lavern Miller, Willow Springs, which was adopted.

Senator Purgason offered Senate Resolution No. 1865, regarding the Sixty-second Wedding Anniversary of Mr. and Mrs. George Bay, Birch Tree, which was adopted.

Senator Purgason offered Senate Resolution No. 1866, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Claude Moore, Mountain View, which was adopted.

Senator Purgason offered Senate Resolution No. 1867, regarding the Fifty-second Wedding Anniversary of Mr. and Mrs. Charles Good, West Plains, which was adopted.

Senator Lager offered Senate Resolution No. 1868, regarding Jerald L. Morlock, Marceline, which was adopted.

Senator Lager offered Senate Resolution No. 1869, regarding Jacob A. Franklin, Marceline, which was adopted.

Senator Mayer offered Senate Resolution No. 1870, regarding Pam Cox, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 1871, regarding Linda Lunyou, Piedmont, which was adopted.

Senator Crowell offered Senate Resolution No. 1872, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Schabbing, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1873, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. J.W. Jones, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1874, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vernon Rhodes, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1875, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Pease, Jr., Cape Girardeau, which was adopted.

Senator Days offered Senate Resolution No. 1876, regarding Bishop James A. Johnson, St. Louis, which was adopted.

Senator Days offered Senate Resolution No. 1877, regarding the death of Rosie Anna Lucas, which was adopted.

Senator Green offered Senate Resolution No. 1878, regarding Gregory W. Booth, Saint Charles, which was adopted.



Senator Green offered Senate Resolution No. 1879, regarding Amos J. Almeida, St. Louis, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Nodler offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 55

WHEREAS, our nation is fortunate to possess a wealth of natural resources and we have a long history of stewardship of these resources; and

WHEREAS, just as a farmer carefully tends the land on which his survival depends, many of our country's best resource stewards are those who use the resource and for whom the resource holds intrinsic value for sustenance, survival, or cultural tradition; and

WHEREAS, recreational fishermen and women are prime examples of responsible resource stewards, as they place an extremely high value on the quality and existence of our nation's coastal waters and freshwater resources. Recreational fishermen and women respect our country's marine and freshwater habitats because they know that in order for these ecosystems to sustain the aquatic life and natural wonder for which they are sought, these resources must be protected and carefully managed; and

WHEREAS, fishing as a pastime in our country boasts strong support, with 93 percent of Americans indicating they support legal recreational fishing, and it is an activity that is enjoyed by Americans across all age, gender, socio-economic, and ethnic distinctions; and

WHEREAS, recreational fishermen and women contribute significantly to the national and regional economies through equipment and gear purchases, fuel, lodging, and food, with total related sportfishing expenditures exceeding \$125 billion and supporting over 1 million jobs; and

WHEREAS, President Obama created an Interagency Ocean Policy Task Force in June of 2009 charged with recommending a national policy to ensure the protection, maintenance, and restoration of oceans, our coasts, and the Great Lakes; and

WHEREAS, the Task Force has issued two reports since its creation, the Interim Report of the Interagency Ocean Policy Task Force and the Interim Framework for Effective Coastal and Marine Spatial Planning, however the Task Force has failed to expressly recognize responsibly-regulated recreational fishing as a national priority for the oceans and Great Lakes in either of these reports; and

WHEREAS, without its recognition as a national priority, recreational fishing opportunities could become more limited, curtailed, or even potentially eliminated:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strenuously urge President Obama to include recreational fishing and boating as national priorities and ensure and promote recreational fishing and access to public waters in the Interagency Ocean Policy Task Force's concluding report and any forthcoming Executive Order based upon the report; and

BE IT FURTHER RESOLVED that the members strongly urge the members of Congress to take any measure within their power to mitigate or overturn any Executive Order issued to implement recommendations by the Interagency Ocean Policy Task Force if such recommendations do not include responsibly-regulated recreational fishing and boating as national priorities for oceans, our coasts, and the Great Lakes and if such recommendations do not ensure and promote recreational fishing and access to public waters; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for President Obama, the Chairperson of the Interagency Ocean Policy Task Force, the Speaker of the United States House of Representatives, the President of the United States Senate, and members of the Missouri congressional delegation.

Senator Lembke moved that **SCR 34** be taken up for adoption, which motion prevailed.

President Pro Tem Shields assumed the Chair.

On motion of Senator Lembke, **SCR 34** was adopted by the following vote:

#### YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey	Engler
Goodman	Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler	Pearce

Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel—26						

NAYS—Senators

Bray	Days	Justus	Keaveny	Wilson	Wright-Jones—6
------	------	--------	---------	--------	----------------

Absent—Senator Green —1

Absent with leave—Senator Bartle—1

Vacancies—None

### SENATE BILLS FOR PERFECTION

At the request of Senator Schaefer, **SB 880**, **SB 780** and **SB 836**, with **SCS**, were placed on the Informal Calendar.

Senator Dempsey moved that **SB 792** be taken up for perfection, which motion prevailed.

Senator Dempsey offered **SS** for **SB 792**, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 792

An Act to repeal sections 188.027, 188.052, 188.055, and 188.070, RSMo, and to enact in lieu thereof five new sections relating to abortion, with penalty provisions.

Senator Dempsey moved that **SS** for **SB 792** be adopted.

At the request of Senator Dempsey, **SB 792**, with **SS** (pending), was placed on the Informal Calendar.

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 887**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator Dempsey.

### RESOLUTIONS

Senator Goodman offered Senate Resolution No. 1880, regarding the Kirbyville R-VI School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1881, regarding the Hollister R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1882, regarding the Branson R-IV School District,

which was adopted.

Senator Goodman offered Senate Resolution No. 1883, regarding the Forsyth R-III School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1884, regarding the Taneyville R-II School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1885, regarding the Blue Eye R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1886, regarding the Reeds Spring R-IV School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1887, regarding the Dora R-III School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1888, regarding the Gainesville R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1889, regarding the Bakersfield R-IV School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1890, regarding the Thornfield R-I School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1891, regarding the McDonald County R-I School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1892, regarding the Mt. Vernon R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1893, regarding the Pierce City R-VI School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1894, regarding the Monett R-I School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1895, regarding the Shell Knob 78 School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1896, regarding the Cassville R-IV School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1897, regarding the Wheaton R-III School District, which was adopted.

Senator Bray offered Senate Resolution No. 1898, regarding the death of Donald A. Estell, Clayton, which was adopted.

Senator Days offered Senate Resolution No. 1899, regarding the One Hundred Second Anniversary of Alpha Kappa Alpha Sorority, Inc., which was adopted.

Senator Purgason offered Senate Resolution No. 1900, regarding John F. Blair, Camdenton, which was adopted.

Senator Keaveny offered Senate Resolution No. 1901, regarding the death of Minnie Mae (Griffin) Gatewood, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 1472**, entitled:

An Act to repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to the designation of controlled substances, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1840**, entitled:

An Act to repeal section 265.525, RSMo, and to enact in lieu thereof one new section relating to the Missouri rice certification act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1258**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1268**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to adenoid cystic carcinoma awareness day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1336**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Girl Scout Day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1340**, entitled:

An Act to repeal section 321.247, RSMo, relating to sales taxes for fire protection districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1382**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Missouri patient privacy act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1612**, entitled:

An Act to repeal section 204.300, RSMo, and to enact in lieu thereof one new section relating to sewer district trustees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1677**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of dress in blue for colon cancer awareness day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1691**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto two new sections relating to bicycling state

holidays.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1713**, entitled:

An Act to repeal section 376.816, RSMo, and to enact in lieu thereof one new section relating to health insurance for adopted children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1775**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1776**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1657**, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to motor vehicle dealer insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

#### **SENATE BILLS FOR PERFECTION**

Senator Wright-Jones moved that **SB 687** be taken up for perfection, which motion prevailed.

On motion of Senator Wright-Jones, **SB 687** was declared perfected and ordered printed.

Senator McKenna moved that **SB 820** be taken up for perfection, which motion prevailed.

On motion of Senator McKenna, **SB 820** was declared perfected and ordered printed.

Senator Pearce moved that **SB 778**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS** for **SB 778**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 778

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by state universities.

Was taken up.

Senator Pearce moved that **SCS** for **SB 778** be adopted.

At the request of Senator Pearce, **SB 778**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Shields moved that **SB 844** be taken up for perfection, which motion prevailed.

Senator Ridgeway offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 844, Page 1, Section 37.900, Line 14, by inserting after all of said line the following:

**“Section 1. In any contract for purchasing supplies as defined in section 34.010 not exceeding the threshold for competitive bids set forth under section 34.040, the office of administration shall not prevent any department, office, board, commission, bureau, institution, political subdivision, or any other agency of the state from purchasing supplies from an authorized General Services Administration vendor including “GSA Advantage”, “GSA e-Buy”, or successor sources.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 844, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“8.016. The commissioner of the office of administration shall provide each member of the senate and each member of the house of representatives with a key that accesses the dome of the state capitol.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Shields, **SB 844**, as amended, was declared perfected and ordered printed.

Senator Pearce moved that **SB 778**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 778** was again taken up.

Senator Crowell offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 778, Page 5, Section 37.005, Line 157, by inserting immediately after the word “transfer” the following: “**for fair market value**”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Pearce moved that **SCS** for **SB 778**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 778**, as amended, was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 687** and **SB 820**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Engler, the Senate recessed until 7:15 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

**SENATE BILLS FOR PERFECTION**

Senator Rupp moved that **SB 786** be taken up for perfection, which motion prevailed.

Senator Rupp offered **SS** for **SB 786**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE BILL NO. 786**

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to requiring health benefit plans to provide orally administered anticancer medications on a basis no less favorable than intravenously administered anticancer medications.

Senator Rupp moved that **SS** for **SB 786** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SB 786** was declared perfected and ordered printed.

Senator Nodler moved that **SB 721**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 721**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 721**

An Act to repeal section 407.1243, RSMo, and to enact in lieu thereof one new section relating to travel club assets, with an emergency clause.

Was taken up.

Senator Nodler moved that **SCS** for **SB 721** be adopted, which motion prevailed.



On motion of Senator Nodler, **SCS for SB 721** was declared perfected and ordered printed.

Senator Lager moved that **SB 852**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS for SB 852** was again taken up.

Senator Callahan offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 852, Page 13, Section 287.780, Line 20 of said page, by inserting after all of said line the following:

**“7. The provisions of this section shall not apply to any employee of the department of natural resources. Any such employee may bring an action for wrongful termination under common law.”.**

Senator Callahan moved that the above amendment be adopted.

Senator Shoemyer offered **SSA 1** for **SA 1**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 852, Page 13, Section 287.780, Line 20 of said page, by inserting after all of said line the following:

**“7. The provisions of this section shall not apply to the following actions:**

**(1) Any action brought by an employee of the department of natural resources; or**

**(2) Any action alleging that the employee was retaliated or discriminated against because the employee either refused to violate or reported to an authority a violation of any provision of chapter 188, subdivision (24) of subsection 2 of section 334.100, subdivision (10) of subsection 3 of section 334.735, or section 565.300.**

**Any action brought under circumstances described in this subsection may be brought under common law.”.**

Senator Shoemyer moved that the above substitute amendment be adopted.

At the request of Senator Lager, **SB 852**, with **SS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 721**; **SCS for SB 778**; **SS for SB 786**; and **SB 844**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**INTRODUCTIONS OF GUESTS**

Senator Shoemyer introduced to the Senate, the Physician of the Day, Dr. Arthur Freeland, M.D.,

Kirksville.

Senator Shoemyer introduced to the Senate, his parents, Robert and Dorothy Shoemyer and Anna and Jean Wilt, Shelbina; Elton Morgan, Holliday; and LeRoy Diechman and family, Shelbyville.

Senator Shields introduced to the Senate, Derek Frieling and students, Dakota Thompson, Taylor Kephart, Patience Gibson, Lindsey Vest, Taylor Dotson and Deacon Sears, representatives of Lafayette High School Dead Patriots Society, St. Joseph.

Senator Scott introduced to the Senate, Alan Haverland, Bob Lawson, Josh Salmon, David Barger, Larry and Rhonda Shelby, Brittany Johnson and Bob and Susan Salmon, representatives of Missouri Cattlemen's Association, St. Clair County.

Senator Scott introduced to the Senate, Andrew Goodwin, Warsaw.

Senator Rupp introduced to the Senate, representatives of Troy Area Chamber of Commerce.

Senator Mayer introduced to the Senate, Jim Davis, Kennett.

Senator Mayer introduced to the Senate, Austin Montague, Fisk.

Senator Lager introduced to the Senate, fourth grade students from Hamilton School.

Senator Cunningham introduced to the Senate, grass roots groups from around the state.

On behalf of Senator Champion and himself, Senator Clemens introduced to the Senate, Alec Wade, Patsy Wilcox, Ellen Baumgartner and Kevin Larkin from Ozark and Springfield.

Senator Stouffer introduced to the Senate, Heather Sims and fifty-five fourth, fifth and sixth grade students from Brunswick Elementary School.

Senator Stouffer introduced to the Senate, representatives of Waverly Regional Youth Center.

Senator Engler introduced to the Senate, teachers, parents, grandparents and students from Bismarck Elementary School.

Senator Wright-Jones introduced to the Senate, Mayor Francis Slay, St. Louis.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

THIRTY-SEVENTH DAY—THURSDAY, MARCH 18, 2010

---

## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 1377  
HCS for HB 1497  
HCS for HB 1675

HCS for HB 1750  
HCS for HBs 1311 & 1341  
HCS for HB 1498

HB 1741-Pratt  
 HCS for HBs 1408 & 1514  
 HB 1519-Hoskins (80) and Pace  
 HCS for HB 1903  
 HCS for HJR 86  
 HJR 76-Dethrow, et al  
 HB 1208-Day, et al  
 HB 1745-Day, et al  
 HB 1559-Brown (30)  
 HCS for HJRs 48, 50 & 57  
 HCS#2 for HB 1472  
 HCS for HB 1840

HB 1258-Todd, et al  
 HB 1268-Meiners  
 HB 1336-Brandom, et al  
 HB 1340-Dugger  
 HCS for HB 1382  
 HB 1612-Molendorp and Scavuzzo  
 HB 1677-Hoskins (80)  
 HB 1691-Kraus, et al  
 HB 1713-Sander, et al  
 HB 1775-Shively  
 HB 1776-Shively  
 HB 1657-Dethrow

### THIRD READING OF SENATE BILLS

- |   |                                       |
|---|---------------------------------------|
| 1. SS for SB 618-Rupp (In Fiscal Oversight)               | 9. SCS for SB 855-Schaefer            |
| 2. SB 627-Justus (In Fiscal Oversight)                    | 10. SS for SCS for SB 920-Keaveny     |
| 3. SJR 20-Bartle (In Fiscal Oversight)                    | 11. SCS for SB 887-Schaefer           |
| 4. SB 779-Bartle (In Fiscal Oversight)                    | 12. SB 687-Wright-Jones               |
| 5. SCS for SBs 842, 799 & 809-Schmitt                     | 13. SB 820-McKenna                    |
| 6. SS for SCS for SB 781-McKenna<br>(In Fiscal Oversight) | 14. SCS for SB 721-Nodler and Goodman |
| 7. SB 791-Griesheimer                                     | 15. SCS for SB 778-Pearce             |
| 8. SS for SCS for SB 605-Mayer                            | 16. SS for SB 786-Rupp                |
|   | 17. SB 844-Shields                    |

### SENATE BILLS FOR PERFECTION

SJR 25-Cunningham, et al, with SCS

SB 698-Griesheimer, with SCS

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
 SB 587-Nodler and Cunningham,  
 with SCS & SA 1 (pending)  
 SB 596-Callahan, with SCS (pending)  
 SBs 607, 602, 615 & 725-Stouffer,  
 with SCS & SA 1 (pending)  
 SB 625-Justus and Keaveny, with SCS  
 SB 738-Crowell, with SCS  
 SB 777-Pearce, with SCS (pending)  
 SB 792-Dempsey and Rupp, with SS (pending)

SB 793-Mayer, et al, with SCS,  
 SA 1 & SA 1 to SA 1 (pending)  
 SB 818-Lembke, with SCS (pending)  
 SB 839-Wright-Jones, with SCS  
 SB 852-Lager, et al, with SS,  
 SA 1 & SSA 1 for SA 1 (pending)  
 SB 878-Lembke, with SCS (pending)  
 SBs 880, 780 & 836-Schaefer, with SCS  
 SBs 895, 813, 911, 924, 922 &  
 802-Dempsey, et al, with SCS (pending)

SB 896-Shields and Crowell  
SB 905-Bray, et al, with SCS (pending)  
SJR 22-Callahan  
SJR 29-Purgason and Cunningham,  
with SCS & SS for SCS (pending)

SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1 (pending)  
SJR 40-Goodman, with SA 1 (pending)

## CONSENT CALENDAR

### Senate Bills

Reported 2/18

SCS for SB 782-McKenna

Reported 2/25

SB 915-Barnitz, with SCS  
SB 863-Callahan, with SCS

SB 862-Callahan, with SCS

Reported 3/4

SB 919-Ridgeway  
SB 860-Bray  
SB 700-Lager, with SCS  
SB 851-Schmitt, et al

SB 981-Callahan  
SB 942-Rupp, with SCS  
SB 929-Lager

## RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 33-Nodler

SCR 46-Stouffer  
HCR 38-Icet, et al, with SCA 1

To be Referred

SCR 55-Nodler

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-SEVENTH DAY—THURSDAY, MARCH 18, 2010**

---

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“The first duty of love - is to listen.” (Paul Tillich)

Lord God, provide us time with loved ones and friends listening to them and what is important to them. We know that it is the “first duty of love” and provides joy by truly knowing one another. Help us be a people where love permeates all our thinking, speaking and doing and brightens both our inner and outer life. Bring us safely home and be with us through this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

## RESOLUTIONS

Senator Goodman offered Senate Resolution No. 1902, regarding the Ninety-fifth Birthday of Esther M. Kleiboeker, Monett, which was adopted.

Senator Wilson offered Senate Resolution No. 1903, regarding Pat Yokley, Blue Springs, which was adopted.

Senator Purgason offered Senate Resolution No. 1904, regarding the Sixtieth Wedding Anniversary of Reverend and Mrs. Bill Jones, Lebanon, which was adopted.

Senator Cunningham offered Senate Resolution No. 1905, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. T.R. Carr, Hazelwood, which was adopted.

Senators Wright-Jones and Days offered Senate Resolution No. 1906, regarding the death of former State Representative Billie A. Boykins, Saint Louis, which was adopted.

Senator Barnitz offered Senate Resolution No. 1907, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jimmy Lee Edwards, Salem, which was adopted.

### REFERRALS

President Pro Tem Shields referred **SS** for **SB 786** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Shields referred **SCR 55** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### THIRD READING OF SENATE BILLS

**SCS** for **SBs 842, 799** and **809**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 842, 799 and 809

An Act to repeal section 208.215, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet division's authority to collect from third-party payors.

Was taken up by Senator Schmitt.

On motion of Senator Schmitt, **SCS** for **SBs 842, 799** and **809** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 791**, introduced by Senator Griesheimer, entitled:

An Act to repeal sections 204.300, 204.472, 204.571, and 250.233, RSMo, and to enact in lieu thereof four new sections relating to sewer districts.

Was taken up.

On motion of Senator Griesheimer, **SB 791** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 605**, introduced by Senator Mayer, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 605

An Act to repeal section 48.020, RSMo, and to enact in lieu thereof one new section relating to county classification, with an emergency clause.

Was taken up.

On motion of Senator Mayer, **SS for SCS for SB 605** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny

Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 855**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 855

An Act to amend chapter 193, RSMo, by adding thereto one new section relating to heritage birth or marriage certificates.

Was taken up by Senator Schaefer.

On motion of Senator Schaefer, **SCS** for **SB 855** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny



Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

**SS for SCS for SB 920**, introduced by Senator Keaveny, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 920

An Act to amend chapter 456, RSMo, by adding thereto one new section relating to the transfer of tenancy by the entireties property to a trust.

Was taken up on a standing division vote.

On motion of Senator Keaveny, **SS for SCS for SB 920** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Bray moved that motion lay on the table, which motion prevailed.

**SCS for SB 887**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 887**

An Act to repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to the designation of controlled substances, with penalty provisions and an emergency clause.

Was taken up by Senator Schaefer.

On motion of Senator Schaefer, **SCS for SB 887** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 687**, introduced by Senator Wright-Jones, entitled:

An Act to repeal sections 307.365 and 643.320, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle inspections, with penalty provisions.

Was taken up.

On motion of Senator Wright-Jones, **SB 687** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wright-Jones, title to the bill was agreed to.

Senator Wright-Jones moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Rupp assumed the Chair.

**SB 820**, introduced by Senator McKenna, entitled:

An Act to repeal sections 300.160 and 304.291, RSMo, and to enact in lieu thereof two new sections relating to pedestrian control signals.

Was taken up.

On motion of Senator McKenna, **SB 820** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Dempsey—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 721**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 721

An Act to repeal section 407.1243, RSMo, and to enact in lieu thereof one new section relating to travel club assets, with an emergency clause.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **SCS** for **SB 721** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 778**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 778

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by state universities.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **SCS** for **SB 778** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer	McKenna
Nodler	Pearce	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Bartle	Crowell	Green	Lembke	Purgason	Ridgeway	Scott	Stouffer—8
--------	---------	-------	--------	----------	----------	-------	------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 844**, introduced by Senator Shields, entitled:

An Act to amend chapters 8 and 37, RSMo, by adding thereto three new sections relating to contracts for purchasing, printing, and services for statewide elected officials.

Was taken up.

On motion of Senator Shields, **SB 844** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John Michael Flowers, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects;

Also,

Daniel Buxton, Democrat, as a member of the Dam and Reservoir Safety Council;

Also,

Michael R. Foresman, Republican, and Charles Adams, Democrat, as members of the Hazardous Waste Management Commission;

Also,

Michael E. Warrick, as a member of the Missouri Consolidated Health Care Plan Board of Trustees;

Also,

Matthew D. Whittle, as a member of the Corrections Officer Certification Commission;

Also,

John J. Puetz, as a member of the Missouri Genetic Advisory Committee.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SJR 38**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 741**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 845**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which were referred **SB 991** and **SB 645**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 944**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 816**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 928**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1442**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local

Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 628**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 829**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 849**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 1002**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 945**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 606**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 893**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 833**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 797**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 787**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:



Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 757**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SB 618** and **SS** for **SCS** for **SB 781**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Crowell, Chairman of the Committee on Veterans' Affairs, Pensions and Urban Affairs, submitted the following report:

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 714**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 877**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 985**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 1001**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 979**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 894**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 987**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 784**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 963**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

**THIRD READING OF SENATE BILLS**

**SS** for **SB 618**, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 618

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to health insurance.

Was taken up.

Senator Stouffer assumed the Chair.

On motion of Senator Rupp, **SS** for **SB 618** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke	McKenna
Nodler	Pearce	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Bartle	Mayer	Purgason	Ridgeway	Scott	Stouffer—6
--------	-------	----------	----------	-------	------------

Absent—Senators

Clemens	Cunningham—2
---------	--------------

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 781**, introduced by Senator McKenna, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 781

An Act to repeal sections 301.010, 301.032, 301.069, 301.130, 301.196, 301.200, 301.218, 301.280, 301.560, 301.562, 301.567, 301.570, 302.220, 302.230, 302.341, 303.025, 303.080, 304.705, and 304.820, RSMo, and to enact in lieu thereof twenty-three new sections relating to the regulation of motor vehicles, with penalty provisions for certain sections and an effective date for certain sections.

Was taken up.

On motion of Senator McKenna, **SS** for **SCS** for **SB 781** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Keaveny	Lembke	Mayer	McKenna	Nodler
Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson	Wright-Jones—28				

## NAYS—Senators

Crowell	Lager	Purgason—3
---------	-------	------------

## Absent—Senators

Clemens	Cunningham	Justus—3
---------	------------	----------

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2014**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**HCS** for **HB 1377**—Health, Mental Health, Seniors and Families.

**HCS** for **HB 1497**—Financial and Governmental Organizations and Elections.

**HCS** for **HB 1675**—Jobs, Economic Development and Local Government.

**HCS** for **HB 1750**—Commerce, Consumer Protection, Energy and the Environment.

**HCS** for **HBs 1311** and **1341**—Small Business, Insurance and Industry.

**HCS for HB 1498**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1741**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HBs 1408 and 1514**—Ways and Means.

**HB 1519**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1903**—Appropriations.

**HCS for HJR 86**—Agriculture, Food Production and Outdoor Resources.

**HJR 76**—Agriculture, Food Production and Outdoor Resources.

**HB 1208**—Veterans' Affairs, Pensions and Urban Affairs.

**HB 1745**—Veterans' Affairs, Pensions and Urban Affairs.

**HB 1559**—Financial and Governmental Organizations and Elections.

**HCS for HJRs 48, 50 and 57**—Governmental Accountability and Fiscal Oversight.

**HCS No. 2 for HB 1472**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1840**—Agriculture, Food Production and Outdoor Resources.

**HB 1258**—Transportation.

**HB 1268**—Progress and Development.

**HB 1336**—Progress and Development.

**HB 1340**—Jobs, Economic Development and Local Government.

**HCS for HB 1382**—Health, Mental Health, Seniors and Families.

**HB 1612**—Jobs, Economic Development and Local Government.

**HB 1677**—Progress and Development.

**HB 1691**—Progress and Development.

**HB 1713**—Small Business, Insurance and Industry.

**HB 1775**—Transportation.

**HB 1776**—Transportation.

**HB 1657**—Transportation.

### **INTRODUCTIONS OF GUESTS**

Senator Bartle introduced to the Senate, David and Elysia Marcus and their daughter, Libby, Leawood, Kansas; and Libby was made an honorary page.

Senator Crowell introduced to the Senate, fourth grade students from Blanchard Elementary School, Cape Girardeau.

Senator Mayer introduced to the Senate, Jamie Edington and students, Anna Clayman, David King, Jacob Cole and Cassandra Anagastopolis, representatives from Poplar Bluff High School Student Council.

Senator Crowell introduced to the Senate, fourth grade students from Cape Christian School, Cape Girardeau.

Senator Pearce introduced to the Senate, members of Scout Troop 509, Garret Barker, Iasic Hayslip, Braydon Warrendoff, Cody Goodwin, Kyle Guyagos and Brett Barker, Knob Noster.

Senator Shoemyer introduced to the Senate, Scott Stone, Katie Martin, Gina Olsen, Andy Blackwell, Savannah Angle and Mitch Schmidt, Centralia.

Senator Mayer introduced to the Senate, Melenda Cayton, Michelle Burnett, Tara Jeffries and twenty-three fourth grade students from North Pemiscot Elementary School, Wardell.

Senator Lembke introduced to the Senate, students from Providence Christian Academy, St. Louis.

Senator Shoemyer introduced to the Senate, Teresa Pedersen and students, Leah Waddell, Ashley Martin, Kenna Colbert and Samantha Pederson, representatives from Louisiana High School Student Council.

Senator Griesheimer introduced to the Senate, Judy, Ben, Joshua and Jake Scissors, Chesterfield.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, March 22, 2010.

#### SENATE CALENDAR

---

THIRTY-EIGHTH DAY—MONDAY, MARCH 22, 2010

---

#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 2014

#### THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)

SJR 20-Bartle (In Fiscal Oversight)

SB 779-Bartle (In Fiscal Oversight)

SS for SB 786-Rupp (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

1. SJR 25-Cunningham, et al, with SCS

2. SB 698-Griesheimer, with SCS

3. SJR 38-Ridgeway

4. SB 741-Griesheimer

5. SB 845-Barnitz

6. SBs 991 & 645-Scott, with SCS

7. SB 944-Shields, with SCS

8. SB 816-Lembke

- |                               |                                |
|-------------------------------|--------------------------------|
| 9. SB 928-Lager               | 20. SB 757-Rupp and Schmitt    |
| 10. SB 628-Dempsey            | 21. SB 714-Crowell             |
| 11. SB 829-Schaefer, with SCS | 22. SB 877-Keaveny             |
| 12. SB 849-Barnitz            | 23. SB 985-Goodman             |
| 13. SB 1002-Wilson            | 24. SB 1001-Griesheimer        |
| 14. SB 945-Bray               | 25. SB 979-Rupp, with SCS      |
| 15. SB 606-Stouffer           | 26. SB 894-Dempsey and Crowell |
| 16. SB 893-Days               | 27. SB 987-Stouffer            |
| 17. SB 833-Goodman            | 28. SB 784-Schaefer and Pearce |
| 18. SB 797-Green              | 29. SB 963-Shoemyer, with SCS  |
| 19. SB 787-Rupp, with SCS     |                                |

### HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 579-Shields, with SCS   | SB 878-Lembke, with SCS (pending)                                       |
| SB 587-Nodler and Cunningham, with SCS &<br>SA 1 (pending)       | SBs 880, 780 & 836-Schaefer, with SCS                                   |
| SB 596-Callahan, with SCS (pending)                              | SBs 895, 813, 911, 924, 922 &<br>802-Dempsey, et al, with SCS (pending) |
| SBs 607, 602, 615 & 725-Stouffer, with<br>SCS & SA 1 (pending)   | SB 896-Shields and Crowell  |
| SB 625-Justus and Keaveny, with SCS                              | SB 905-Bray, et al, with SCS (pending)                                  |
| SB 738-Crowell, with SCS   | SJR 22-Callahan   |
| SB 777-Pearce, with SCS (pending)                                | SJR 29-Purgason and Cunningham, with SCS<br>& SS for SCS (pending)      |
| SB 792-Dempsey and Rupp, with SS (pending)                       | SJR 31-Scott  |
| SB 793-Mayer, et al, with SCS, SA 1 &<br>SA 1 to SA 1 (pending)  | SJR 33-Bartle, with SA 1 (pending)                                      |
| SB 818-Lembke, with SCS (pending)                                | SJR 34-Goodman, et al, with SA 1<br>(pending)                           |
| SB 839-Wright-Jones, with SCS                                    | SJR 40-Goodman, with SA 1 (pending)                                     |
| SB 852-Lager, et al, with SS, SA 1 &<br>SSA 1 for SA 1 (pending) |   |

CONSENT CALENDAR

Senate Bills

Reported 2/18

SCS for SB 782-McKenna

Reported 2/25

SB 915-Barnitz, with SCS  
SB 863-Callahan, with SCS

SB 862-Callahan, with SCS

Reported 3/4

SB 919-Ridgeway  
SB 860-Bray  
SB 700-Lager, with SCS  
SB 851-Schmitt, et al

SB 981-Callahan  
SB 942-Rupp, with SCS  
SB 929-Lager

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 33-Nodler

SCR 46-Stouffer  
HCR 38-Icet, et al, with SCA 1

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-EIGHTH DAY—MONDAY, MARCH 22, 2010**

---

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Where the will of God leads you, the grace of God will keep you.” (*Unknown*)

Almighty God, we are grateful to return to our work and to arrive safely here to take up our responsibilities. We thank You for Your continued guidance for those who seek it and pray that it will be with us in this new week. There is much that is required of us this week and we are thankful for health and energy to pursue what You expect of us and so we give You thanks and praise and delight in Your gift of presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 18, 2010 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Barnitz offered Senate Resolution No. 1908, regarding the Sixtieth Anniversary of the Pulaski County Health Department, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1909, regarding Ryan Eddy Houghtaling, which was adopted.

Senator Schmitt offered Senate Resolution No. 1910, regarding David “Chubbs” Stillman, which was adopted.

Senator Bray offered Senate Resolution No. 1911, regarding Brentwood Middle School, St. Louis County, which was adopted.

Senator Lager offered Senate Resolution No. 1912, regarding Zane Eric Clark, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 1913, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vincent Wells, Milan, which was adopted.

Senator Lager offered Senate Resolution No. 1914, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Jamison, Brookfield, which was adopted.

Senator Barnitz offered Senate Resolution No. 1915, regarding Rose K. Bartlett, Linn, which was adopted.

Senator Goodman offered Senate Resolution No. 1916, regarding Bob and Debbie Berger, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 1917, regarding Alexander D. “Alex” Brinley, Marionville, which was adopted.

Senator Goodman offered Senate Resolution No. 1918, regarding Sharon Garrett, Purdy, which was adopted.

Senators Schmitt and Cunningham offered Senate Resolution No. 1919, regarding Dr. Craig Larson, which was adopted.

Senator Vogel offered Senate Resolution No. 1920, regarding the Jefferson City Host Lions Club, which was adopted.

Senator Mayer offered Senate Resolution No. 1921, regarding Raymond Lasley, which was adopted.

Senator Schmitt offered the following resolution, which was read and adopted:

**SENATE RESOLUTION NO. 1922**

Whereas, the members of the Missouri Senate feel it is altogether right and proper to pause from time to time to observe exemplary accomplishments of Missouri citizens who have distinguished themselves as exceptional athletes and competitors; and

Whereas, the members now pause to recognize David “Chubbs” Stillman, an eighteen-year-old senior at Kirkwood High School and a valued manager for the Pioneers varsity basketball team; and

Whereas, for the past four years, Chubbs Stillman has been working behind the scenes handing out cups of water and dry towels, slapping “high-fives”, and building up rapport with the varsity players and coaches; and

Whereas, on Monday, January 4, 2010, in the Kirkwood High School gymnasium as a game against Fox High School was rapidly drawing to a close, Chubbs Stillman was sent out on the court, this time as a player wearing jersey #23, the same number as his basketball hero Michael Jordan; and

Whereas, with his feet planted firmly on the court behind the 3-point line right in front of his own bench, Chubbs Stillman caught a perfectly thrown pass from senior guard Ahmad Hicks and then sent the ball on its way to the basket; and

Whereas, the three-point shot launched by Chubbs Stillman swished the net to cinch the victory as his teammates and fans jumped to their feet and raised him on their shoulders as a newly-certified Big Man on Campus; and

Whereas, remarkably, Chubbs Stillman had never before played in a high school basketball game before being thrust into the spotlight in the waning seconds of a Kirkwood-Fox basketball game that will be celebrated for a long, long time; and

Whereas, David Stillman is the devoted son of Kevin and Ann Stillman, the brother of Adam and Nate and sister, Laura; and

Whereas, it is an honor and a pleasure for the members of the Missouri Senate to recognize outstanding young Missouri citizens like David Stillman:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fifth General Assembly, extend our most sincere congratulations to David Stillman on this momentous occasion; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to David Stillman.

Senator Shoemyer offered Senate Resolution No. 1923, regarding the Eightieth Wedding Anniversary of Mr. and Mrs. Russell Itschner, Perry, which was adopted.

Senator Purgason offered Senate Resolution No. 1924, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lester A. Graff, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 1925, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jessie James Duncan, Lebanon, which was adopted.

### **THIRD READING OF SENATE BILLS**

Senator McKenna moved that **SCS** for **SB 782** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator McKenna, **SCS** for **SB 782** was read the 3rd time and passed by the following vote:

#### **YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Vogel	Wilson—30		

#### **NAYS—Senators—None**

#### **Absent—Senators**

Green	Purgason	Stouffer	Wright-Jones—4
-------	----------	----------	----------------

#### **Absent with leave—Senators—None**

#### **Vacancies—None**

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 915**, with **SCS**, introduced by Senator Barnitz, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes for tourism.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 915**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 915

An Act to repeal sections 67.1000 and 67.1360, RSMo, and to enact in lieu thereof two new sections relating to transient guest taxes for tourism.

Was taken up.

Senator Barnitz moved that **SCS** for **SB 915** be adopted, which motion prevailed.

On motion of Senator Barnitz, **SCS** for **SB 915** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Vogel	Wilson—28				

NAYS—Senators

Cunningham    Lembke—2

Absent—Senators

Green            Purgason        Stouffer        Wright-Jones—4

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

President Kinder assumed the Chair.

**SB 863**, with **SCS**, introduced by Senator Callahan, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

Was called from the Consent Calendar and taken up.

**SCS for SB 863**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 863

An Act to amend chapter 94, RSMo, by adding thereto three new sections relating to the imposition of a transient guest tax by certain cities.

Was taken up.

Senator Callahan moved that **SCS for SB 863** be adopted, which motion prevailed.

On motion of Senator Callahan, **SCS for SB 863** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Cunningham      Lembke—2

Absent—Senators

Green              Purgason      Stouffer—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 862**, with **SCS**, introduced by Senator Callahan, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a local sales tax for the promotion of tourism.

Was called from the Consent Calendar and taken up.

**SCS for SB 862**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 862

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof three new sections relating to transient guest taxes.

Was taken up.

Senator Callahan moved that **SCS** for **SB 862** be adopted, which motion prevailed.

On motion of Senator Callahan, **SCS** for **SB 862** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Cunningham      Lembke—2

Absent—Senators

Green              Purgason—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 919**, introduced by Senator Ridgeway, entitled:

An Act to repeal section 182.647, RSMo, and to enact in lieu thereof one new section relating to library reports.

Was called from the Consent Calendar and taken up.

On motion of Senator Ridgeway, **SB 919** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

**SB 860**, introduced by Senator Bray, entitled:

An Act to repeal section 67.110, RSMo, and to enact in lieu thereof one new section relating to ad valorem property tax rates.

Was called from the Consent Calendar and taken up.

On motion of Senator Bray, **SB 860** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Cunningham—1

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 700**, with **SCS**, introduced by Senator Lager, entitled:

An Act to repeal section 67.2000, RSMo, and to enact in lieu thereof one new section relating to the creation of exhibition and recreational facility districts.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 700**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 700

An Act to repeal section 67.2000, RSMo, and to enact in lieu thereof one new section relating to the creation of exhibition and recreational facility districts.

Was taken up.

Senator Lager moved that **SCS** for **SB 700** be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **SB 700** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Cunningham    Lembke—2

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 851**, introduced by Senator Schmitt, et al, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to public notice required for certain meetings of political subdivisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Schmitt, **SB 851** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Callahan moved that motion lay on the table, which motion prevailed.

**SB 981**, introduced by Senator Callahan, entitled:

An Act to repeal section 94.577, RSMo, and to enact in lieu thereof one new section relating to taxes imposed by certain cities to fund public safety activities including operations and capital improvements, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Callahan, **SB 981** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators

Cunningham    Lembke—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Shoemyer—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.



Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 942**, with **SCS**, introduced by Senator Rupp, entitled:

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to research park annexation.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 942**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 942

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to the annexation of property within research, development, and office park projects.

Was taken up.

Senator Rupp moved that **SCS** for **SB 942** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 942** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 929**, introduced by Senator Lager, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to counties contracting for wholesale water services.

Was called from the Consent Calendar and taken up.

Senator Rupp assumed the Chair.

On motion of Senator Lager, **SB 929** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

At the request of Senator Cunningham, **SJR 25**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Griesheimer, **SB 698**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Ridgeway, **SJR 38** was placed on the Informal Calendar.

Senator Griesheimer moved that **SB 741** be taken up for perfection, which motion prevailed.

On motion of Senator Griesheimer, **SB 741** was declared perfected and ordered printed.

Senator Barnitz moved that **SB 845** be taken up for perfection, which motion prevailed.

On motion of Senator Barnitz, **SB 845** was declared perfected and ordered printed.

Senator Scott moved that **SB 991** and **SB 645**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 991** and **645**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 991 and 645

An Act to repeal sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 162.1000, 162.1060, 166.203, 170.250, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 207.023, 208.175, 208.195, 208.275, 208.530, 208.533, 208.535, 208.792, 208.955, 210.496, 253.375, 260.370, 260.372, 260.705, 260.720, 260.725, 260.735, 262.217, 286.001, 286.005, 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205,

324.406, 324.475, 324.478, 324.481, 331.030, 331.070, 334.721, 344.060, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 622.055, 622.057, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, and to enact in lieu thereof ninety-two new sections relating to the sole purpose of repealing and revising certain state boards, councils, committees, and commissions.

Was taken up.

Senator Scott moved that **SCS** for **SBs 991** and **645** be adopted.

At the request of Senator Scott, **SB 991** and **SB 645**, with **SCS** (pending), were placed on the Informal Calendar.

Senator Shields moved that **SB 944**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 944**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 944

An Act to repeal sections 144.010 and 144.030, RSMo, and to enact in lieu thereof two new sections relating to sales and use tax exemptions.

Was taken up.

Senator Shields moved that **SCS** for **SB 944** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 944** was declared perfected and ordered printed.

Senator Lembke moved that **SB 816** be taken up for perfection, which motion prevailed.

Senator Scott assumed the Chair.

Senator Lembke offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 816, Page 2, Section 143.811, Line 31, by striking “forty-five” and inserting in lieu thereof the following: “**ninety**”; and further amend line 33, by striking “forty-five” and inserting in lieu thereof the following: “**ninety**”.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lembke, **SB 816**, as amended, was declared perfected and ordered printed.

At the request of Senator Lager, **SB 928** was placed on the Informal Calendar.

Senator Dempsey moved that **SB 628** be taken up for perfection, which motion prevailed.

Senator Dempsey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 628, Page 2, Section 55.030, Line 26 by striking all of said line and inserting in lieu thereof the following: “**original value of one thousand dollars or more**”.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Dempsey, **SB 628**, as amended, was declared perfected and ordered printed.

Senator Pearce moved that **SB 777**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 777** was again taken up.

Senator Crowell offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 777, Page 6, Section 408.233, Lines 17-19, by striking all of the opening and closing brackets and bold-faced words on said lines.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Pearce moved that **SCS** for **SB 777**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 777**, as amended, was declared perfected and ordered printed.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 22, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Vernon Dawdy, Democrat, 2339 Spyglass Summit Drive, High Ridge, Jefferson County, Missouri 63049, as a member of the Missouri Ethics Commission, for a term ending March 15, 2014, and until his successor is duly appointed and qualified; vice, Michael Kilgore, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 22, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John A. Joslyn, Republican, 10 Patterson Avenue, Branson, Stone County, Missouri 65616, as a member of the Tourism Commission, for a term ending January 15, 2014, and until his successor is duly appointed and qualified; vice, Sharon Garrett, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 22, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Louis J. Leonatti, Republican, 1423 Briarwood Place, Mexico, Audrain County, Missouri 65265, as a member of the Missouri Ethics Commission, for a term ending March 15, 2014, and until his successor is duly appointed and qualified; vice, Ken Legan, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

**HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS for HB 2014**—Appropriations.

Senator Shields requested unanimous consent of the body for the Senate Chamber to be used for the Rebooting State Government process on Tuesday, March 23, 2010, which request was granted.

On motion of Senator Engler, the Senate recessed until 7:30 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Callahan.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 16**.

**HOUSE CONCURRENT RESOLUTION NO. 16**

Whereas, the rivers and streams of the State of Missouri are a great natural resource and benefit to the citizens of Missouri and the aquatic life therein; and

Whereas, these rivers and streams run through the heartland and fertile bottom lands that produce our abundant food supply; and

Whereas, the farmers and landowners who have lived and farmed on these stream banks for generations have the right to protect and preserve their precious soil; and

Whereas, these streams need to be managed in a manner that is beneficial to the stream's aquatic life as well as the farmer's interest in protecting private property; and

Whereas, the federal and state agencies in charge of regulating in-stream activities, including stream bank stabilization, gravel removal and excavation, willow removal, or a combination thereof, and their commenting groups should use unbiased scientific studies and evidence of projects completed in the past by agencies or individuals; and

Whereas, the federal and state agencies as well as their commenting groups that are in charge of protecting the aquatic life and environment of these streams and rivers should base their decisions and practices on unbiased scientific studies or facts and not undertake actions to achieve policy goals:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular

Session, the Senate concurring therein, hereby promote the use of sound scientific research and data that is produced from unbiased university studies; and

Be it further resolved that federal and state agencies as well as their commenting groups base past and future decisions and practices involving any stream activity inside the high banks on unbiased scientific university studies along with practices that have been proven effective over generations of landowner implementing; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the United States Army Corps of Engineers, the Bureau of Land Management and the Fish and Wildlife Service within the United States Department of Interior, the United States Environmental Protection Agency, the United States Department of Agriculture, the Missouri Department of Conservation, the Missouri Department of Agriculture, and the Missouri Department of Natural Resources.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 52**.

HOUSE CONCURRENT RESOLUTION NO. 52

Whereas, sickle cell disease is an inherited blood disorder that affects red blood cells. People with sickle cell disease have red blood cells that contain an abnormal type of hemoglobin; and

Whereas, normal red blood cells contain hemoglobin A. Hemoglobin S and hemoglobin C are abnormal types of hemoglobin; and

Whereas, red blood cells containing mostly hemoglobin S do not live as long as normal red blood cells and have difficulty passing through the body's small vessels. These hemoglobin S red blood cells can block small blood vessels, resulting in tissue damage due to less blood reaching that portion of the body; and

Whereas, sickle cell trait is an inherited condition in which both hemoglobin A and S are produced in the red blood cells, always more A than S. Sickle cell trait is not a type of sickle cell disease; and

Whereas, sickle cell conditions are inherited from parents in much the same way as blood type, hair color and texture, eye color and other physical traits. The types of hemoglobin a person makes in the red blood cells depend upon what hemoglobin genes the person inherits from his or her parents; and

Whereas, since sickle cell conditions are inherited from parents, it is important for people to be aware if they are a carrier before having children; and

Whereas, more than 80,000 people in the United States have sickle cell disease, affecting mostly persons of African heritage according to the National Institute of Health. Currently, there is no universal cure for sickle cell disease; and

Whereas, sickle cell disease results in a shortened life expectancy, with the average life expectancy being 42 years for men and 48 years for women; and

Whereas, based on the population of 5 million in the State of Missouri, 600,000 are African American. 1 out of 400 suffers with sickle cell conditions and 1 out of 12 has the sickle cell trait; and

Whereas, with these estimated numbers, there are approximately 1,500 individuals with sickle cell conditions and 50,000 individuals with sickle cell trait in the State of Missouri; and

Whereas, approximately 700 children, adolescents, and young adults with sickle cell disease reside in the St. Louis Metropolitan area. However, less than 25% of this sickle cell population will graduate from high school or seek higher education; and

Whereas, health maintenance for persons with sickle cell disease starts with early diagnosis, preferably when a newborn; and

Whereas, treatment of complications often includes antibiotics, pain management, intravenous fluids, blood transfusions, and surgery in combination with psychosocial support; and

Whereas, there are promising new treatments being developed which can prevent red blood cells from sickling without causing harm to other parts of the body, reduce the frequency of severe pain, acute chest syndrome, and the need for blood transfusions, and provide options to eliminate iron overload caused by repeated blood transfusions; and

Whereas, public awareness about sickle cell trait and disease and the numerous programs and screening available is vital to reduce to pervasiveness of sickle cell conditions:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby designate the week of May 9 - 15, 2010, as "Sickle Cell Awareness Week" in Missouri; and

Be it further resolved that the General Assembly encourages and urges all citizens of this state to participate in activities during Sickle Cell Awareness Week to address the pervasiveness of sickle cell trait and disease and the need to increase public awareness of the available programs and screenings.

In which the concurrence of the Senate is respectfully requested.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 944; SB 845; SB 816; SCS for SB 777; SB 741; and SB 628**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

Senator Griesheimer moved that **SB 698**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS for SB 698**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 698**

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to exchange access rates.

Was taken up.

Senator Griesheimer moved that **SCS for SB 698** be adopted.

At the request of Senator Griesheimer, **SB 698**, with **SCS** (pending), was placed on the Informal Calendar.

### **INTRODUCTIONS OF GUESTS**

Senator Schmitt introduced to the Senate, Kevin and Ann Stillman and their children, David, Laura, Adam and Nate, St. Louis County.

Senator Shields introduced to the Senate, Scoutmaster Steve Hubble and members of Boy Scout Troop 11, Jefferson City.

Senator Rupp introduced to the Senate, Carissa Mattern, O'Fallon.

On motion of Senator Engler, the Senate adjourned until 12:00 p.m., Tuesday, March 23, 2010.

SENATE CALENDAR

---

THIRTY-NINTH DAY—TUESDAY, MARCH 23, 2010

---

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

- |   |                          |
|---|--------------------------|
| 1. SB 627-Justus (In Fiscal Oversight)      | 6. SB 845-Barnitz        |
| 2. SJR 20-Bartle (In Fiscal Oversight)      | 7. SB 816-Lembke         |
| 3. SB 779-Bartle (In Fiscal Oversight)      | 8. SCS for SB 777-Pearce |
| 4. SS for SB 786-Rupp (In Fiscal Oversight) | 9. SB 741-Griesheimer    |
| 5. SCS for SB 944-Shields                   | 10. SB 628-Dempsey       |

SENATE BILLS FOR PERFECTION

- |                              |                                |
|------------------------------|--------------------------------|
| 1. SB 829-Schaefer, with SCS | 11. SB 714-Crowell             |
| 2. SB 849-Barnitz            | 12. SB 877-Keaveny             |
| 3. SB 1002-Wilson            | 13. SB 985-Goodman             |
| 4. SB 945-Bray               | 14. SB 1001-Griesheimer        |
| 5. SB 606-Stouffer           | 15. SB 979-Rupp, with SCS      |
| 6. SB 893-Days               | 16. SB 894-Dempsey and Crowell |
| 7. SB 833-Goodman            | 17. SB 987-Stouffer            |
| 8. SB 797-Green              | 18. SB 784-Schaefer and Pearce |
| 9. SB 787-Rupp, with SCS     | 19. SB 963-Shoemyer, with SCS  |
| 10. SB 757-Rupp and Schmitt  |                                |

HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 579-Shields, with SCS                                   | SB 596-Callahan, with SCS (pending)                            |
| SB 587-Nodler and Cunningham, with SCS &<br>SA 1 (pending) | SBs 607, 602, 615 & 725-Stouffer, with<br>SCS & SA 1 (pending) |



SB 625-Justus and Keaveny, with SCS  
 SB 698-Griesheimer, with SCS (pending)  
 SB 738-Crowell, with SCS  
 SB 792-Dempsey and Rupp, with SS (pending)  
 SB 793-Mayer, et al, with SCS, SA 1 & SA 1 to  
   SA 1 (pending)  
 SB 818-Lembke, with SCS (pending)  
 SB 839-Wright-Jones, with SCS  
 SB 852-Lager, et al, with SS, SA 1 & SSA 1 for  
   SA 1 (pending)  
 SB 878-Lembke, with SCS (pending)  
 SBs 880, 780 & 836-Schaefer, with SCS  
 SBs 895, 813, 911, 924, 922 &  
   802-Dempsey, et al, with SCS (pending)

SB 896-Shields and Crowell  
 SB 905-Bray, et al, with SCS (pending)  
 SB 928-Lager  
 SBs 991 & 645-Scott, with SCS (pending)  
 SJR 22-Callahan  
 SJR 25-Cunningham, et al, with SCS  
 SJR 29-Purgason and Cunningham, with SCS  
   & SS for SCS (pending)  
 SJR 31-Scott  
 SJR 33-Bartle, with SA 1 (pending)  
 SJR 34-Goodman, et al, with SA 1 (pending)  
 SJR 38-Ridgeway  
 SJR 40-Goodman, with SA 1 (pending)

## RESOLUTIONS

### Reported from Committee

SCR 42-Bray, with SCA 1  
 HCS for HCR 18, with SA 1 (pending) (Rupp)  
 SCR 33-Nodler

SCR 46-Stouffer  
 HCR 38-Icet, et al, with SCA 1

### To be Referred

HCR 16-Loehner, et al

HCR 52-Gray, et al

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-NINTH DAY—TUESDAY, MARCH 23, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Who rise from prayer better persons, their prayer is answered.” (Gates of Prayer)

Heavenly Father, we experience the stress of this time and are aware of the difficult decisions that we face and know at many levels that we need to pray and know Your presence in our lives. May we find time for prayer and may it make us better persons so our actions, thoughts and words are integrated in what we decide and do here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Pro Tem Shields assumed the Chair.

### **RESOLUTIONS**

Senator Bartle offered Senate Resolution No. 1926, regarding Kevin P. Hubbard, D.O., F.A.C.O.I., which was adopted.

Senator Bartle offered Senate Resolution No. 1927, regarding Susanne Mitko, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1928, regarding the Fifteenth Anniversary of Blue Ridge Church of Christ, Kansas City, which was adopted.

Senator Bartle offered Senate Resolution No. 1929, regarding Ryan Anthony DeWitt, Blue Springs, which was adopted.

Senators Cunningham and Rupp offered Senate Resolution No. 1930, regarding Robert P. "Bob" Cutt, Lake St. Louis, which was adopted.

Senator McKenna offered Senate Resolution No. 1931, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Oliver S. Huskey, Hillsboro, which was adopted.

Senator Crowell offered Senate Resolution No. 1932, regarding Oran High School, which was adopted.

Senator Crowell offered Senate Resolution No. 1933, regarding the Fortieth Birthday of Scott B. Smith, Cape Girardeau, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 747**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **REFERRALS**

President Pro Tem Shields referred **HCR 16** and **HCR 52** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Callahan assumed the Chair.

On motion of Senator Engler, the Senate recessed until 4:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

### **RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 1934, regarding the 2009-2010 Missouri State High School Activities Association Class 1 State Champion Scott County Central High School Braves basketball team, which was adopted.

Senator Purgason offered Senate Resolution No. 1935, regarding Norwood High School, which was adopted.

Senator Wilson offered Senate Resolution No. 1936, regarding the death of Billie Eugene Henry, Kansas

City, which was adopted.

Senator Wilson offered Senate Resolution No. 1937, regarding the Greater Kansas City Chapter of the Links, Incorporated, which was adopted.

Senator Bartle offered Senate Resolution No. 1938, regarding Eric Michael Rothmier, Blue Springs, which was adopted.

Senator Clemens offered Senate Resolution No. 1939, regarding Chadwick High School, which was adopted.

Senator Clemens offered Senate Resolution No. 1940, regarding Spokane Middle School, which was adopted.

Senator Clemens offered Senate Resolution No. 1941, regarding the One Hundredth Anniversary of Old Bruner School, which was adopted.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 23, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael B. Calvin, 2355 Albion Place Unit D, Saint Louis City, Missouri 63104, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2014, and until his successor is duly appointed and qualified; vice, Julius Hunter, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 23, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael L. Gerdine, 3865 Flora Place, Saint Louis City, Missouri 63110, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2011, and until his successor is duly appointed and qualified; vice, Vincent Bommarito, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 46**.

#### HOUSE CONCURRENT RESOLUTION NO. 46

Whereas, energy policy and regulation are vital to Missouri's economy and which have a direct impact on Missouri families, farmers, businesses, and employees; and

Whereas, H.R. 2454, the American Clean Energy and Security Act of 2009, also known as the "Waxman-Markey" and "Cap and Trade", passed by the United States House of Representatives and now pending before the United States Senate, will have a dramatic effect on every American, increase the cost of supplying homes and businesses with electricity, cause job losses, and impose burdensome costs on the poor and families with incomes of less than \$10,000 annually for whom energy costs today make up 60% of their average family expenses, and for families with incomes of \$10,000 to \$25,000 annually, such costs make up 25% of their average family expenses; and

Whereas, on December 7, 2009, the Administrator for the Environmental Protection Agency (EPA) signed two distinct findings regarding greenhouse gases under Section 202(c) of the federal Clean Air Act:

(1) Endangerment Finding: the Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases - carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>) - in the atmosphere threaten the public health and welfare of current and future generations;

(2) Cause and Contribute Finding: the administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare; and

Whereas, this finding by the EPA, if implemented, will cost Missouri jobs and raise electric rates on families, farmers, businesses, and employees; and

Whereas, the people of Missouri are dependent on coal for their electricity, obtaining approximately 80 - 85% of electrical energy from coal for their homes, farms, and businesses. This heavy dependence on coal is common throughout the Midwestern states; and

Whereas, Missouri's electric rates consistently rank among the lowest cost states in the union, and is one of only three states in the United States to see electricity rates drop in the years 2000 to 2008, and by the largest percentage (6%), making Missouri attractive to business and industry, creating jobs, and making Missouri a low-cost place to live; and

Whereas, the technology of the 21st Century is providing cleaner yet still affordable baseload electrical generation from coal, including Super Critical Pulverized Coal (Prairie State in Illinois) and Ultra Supercritical Pulverized Coal (Turk in Arkansas) as well as developing options for coal to liquids, coal to gas, and carbon sequestration; and

Whereas, the focus in Missouri and throughout the coal-dependent Midwest should be on how to use technology to burn coal more cleanly and move towards cleaner burning options like Ultra Supercritical Pulverized Coal, rather than a punitive system that drives up costs, leads to lower baseload energy production, and inhibits or prevents progress on a fuel that the United States has in abundance within its own borders:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby:

(1) Request that our elected statewide officials express their opposition to the further acceptance or approval of the Environmental Protection Agency formal endangerment finding on greenhouse gases;

(2) Convey that it is not well taken by and harmful to the State of Missouri;

(3) Urge the Environmental Protection Agency to rescind their recent formal endangerment finding on greenhouse gases; and

Be it further resolved that the Missouri General Assembly hereby urges our Missouri Congressional delegation to vote against H.R. 2454, the American Clean Energy Act of 2009, and further requests that our elected statewide officials express their respective positions on the passage of H.R. 2454 and send a unified message to our Missouri Congressional delegation; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon, President Barack Obama, President of the United States Senate, Speaker of the United States House of Representatives, the Administrator of the Environmental Protection Agency, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

#### SENATE BILLS FOR PERFECTION

Senator Schaefer moved that **SB 829**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 829**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 829

An Act to repeal sections 67.402 and 71.285, RSMo, and to enact in lieu thereof two new sections relating to nuisance abatement ordinances.

Was taken up.

Senator Schaefer moved that **SCS for SB 829** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS for SB 829** was declared perfected and ordered printed.

Senator Barnitz moved that **SB 849** be taken up for perfection, which motion prevailed.

On motion of Senator Barnitz, **SB 849** was declared perfected and ordered printed.

Senator Wilson moved that **SB 1002** be taken up for perfection, which motion prevailed.

On motion of Senator Wilson, **SB 1002** was declared perfected and ordered printed.

Senator Bray moved that **SB 945** be taken up for perfection, which motion prevailed.

On motion of Senator Bray, **SB 945** was declared perfected and ordered printed.

At the request of Senator Stouffer, **SB 606** was placed on the Informal Calendar.

Senator Days moved that **SB 893** be taken up for perfection, which motion prevailed.

At the request of Senator Days, **SB 893** was placed on the Informal Calendar.

Senator Goodman moved that **SB 833** be taken up for perfection, which motion prevailed.

On motion of Senator Goodman, **SB 833** was declared perfected and ordered printed.

At the request of Senator Green, **SB 797** was placed on the Informal Calendar.

Senator Rupp moved that **SB 787**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 787**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 787

An Act to repeal sections 595.036, 595.037, and 595.060, RSMo, and to enact in lieu thereof four new sections relating to crime victims' compensation fund claims.

Was taken up.

Senator Rupp moved that **SCS for SB 787** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS for SB 787** was declared perfected and ordered printed.

Senator Rupp moved that **SB 757** be taken up for perfection, which motion prevailed.

Senator Rupp offered **SS** for **SB 757**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 757

An Act to repeal sections 37.850 and 55.030, RSMo, and to enact in lieu thereof three new sections relating to the oversight of public funds, with an expiration date for a certain section.

Senator Rupp moved that **SS** for **SB 757** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SB 757** was declared perfected and ordered printed.

At the request of Senator Crowell, **SB 714** was placed on the Informal Calendar.

At the request of Senator Keaveny, **SB 877** was placed on the Informal Calendar.

Senator Goodman moved that **SB 985** be taken up for perfection, which motion prevailed.

Senator Days assumed the Chair.

On motion of Senator Goodman, **SB 985** was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 1001** be taken up for perfection, which motion prevailed.

On motion of Senator Griesheimer, **SB 1001** was declared perfected and ordered printed.

Senator Rupp moved that **SB 979**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS** for **SB 979**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 979

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the approval or disapproval of long-term care insurance rates by the director of the department of insurance, financial institutions and professional registration.

Was taken up.

Senator Rupp moved that **SCS** for **SB 979** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 979** was declared perfected and ordered printed.

**REFERRALS**

President Pro Tem Shields referred **SCS** for **SB 944** and **SB 816** to the Committee on Governmental Accountability and Fiscal Oversight.

**SENATE BILLS FOR PERFECTION**

Senator Dempsey moved that **SB 894** be taken up for perfection, which motion prevailed.

On motion of Senator Dempsey, **SB 894** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 987** be taken up for perfection, which motion prevailed.

At the request of Senator Stouffer, **SB 987** was placed on the Informal Calendar.

Senator Schaefer moved that **SB 784** be taken up for perfection, which motion prevailed.

At the request of Senator Schaefer, **SB 784** was placed on the Informal Calendar.

Senator Shoemyer moved that **SB 963**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS** for **SB 963**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 963

An Act to repeal section 640.240, RSMo, and to enact in lieu thereof one new section relating to the minority and underrepresented environmental literacy program.

Was taken up.

Senator Shoemyer moved that **SCS** for **SB 963** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 963, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to scholarships to be administered by the department of higher education”; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

“161.415. 1. Within the limits of amounts appropriated therefor, the department of [elementary and secondary] **higher** education shall make available up to one hundred one-year, renewable scholarships in an amount of two thousand dollars to minority students for the purpose of encouraging minority students to enter teaching. Such scholarships shall be available to minority high school graduates and college students who are residents of Missouri, and who enter and make a commitment to pursue a teacher education program approved by the department of elementary and secondary education and offered by a four-year college or university located in Missouri, or who after the completion of their baccalaureate degree enter teacher education and make a commitment to teach science or mathematics, and who have:

(1) Achieved scores on an accepted standardized test of academic ability, including, but not limited to, the SAT, ACT, SCAT, which place them at or above the seventy-fifth percentile; and

(2) A high school rank at or above the seventy-fifth percentile.

2. If the number of applicants exceeds the number of scholarships or revenues available, the department of [elementary and secondary] **higher** education may consider the financial needs of the applicant.

3. Any college or university located in Missouri which offers a teacher education program approved by the department of elementary and secondary education, and wishes to have the scholarships provided pursuant to this section made available to eligible applicants for admittance to such college or university, must provide matching funds to match one dollar for every two dollars made available by the state pursuant to this section for students attending the college or university. Such matching funds shall not be taken from money made available to the college or university from state funds. The total scholarship available to any one student from state and from college and university sources pursuant to such match program shall be three thousand dollars per year.



4. A recipient shall be eligible for a renewed scholarship for a maximum of three additional years. Eligibility for renewed scholarships shall be based on criteria established by the colleges of education and the department of [elementary and secondary] **higher** education.

5. As used in this section the term “minority” includes Asian Americans, Hispanic Americans, Native Americans and African Americans.

6. The scholarships provided in subsection 1 of this section shall be available to otherwise eligible students who are currently enrolled in a community college and make a commitment to pursue a teacher education program approved by the department of elementary and secondary education and offered by a four-year college or university located in Missouri.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Shoemyer moved that **SCS** for **SB 963**, as amended, be adopted, which motion prevailed.

On motion of Senator Shoemyer, **SCS** for **SB 963**, as amended, was declared perfected and ordered printed.

Senator Days moved that **SB 893** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

On motion of Senator Days, **SB 893** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 987** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

On motion of Senator Stouffer, **SB 987** was declared perfected and ordered printed.

## COMMUNICATIONS

President Pro Tem Shields submitted the following:

March 23, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 323  
Jefferson City, MO 65101

Dear Ms. Spieler,

I respectfully request that the *Financial and Governmental Organizations and Elections Committee* move the Monday meeting time from 2:30 p.m. to 2:00 p.m.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields  
Charles W. Shields

## INTRODUCTIONS OF GUESTS

Senator Ridgeway introduced to the Senate, Director Stacie Bratcher, staff and residents, Tia, Liz, Julie,

Keera, Peggy, Jessica, Christina, Rose, Mary and Stacey from Immacolata Manor, Liberty.

The President introduced to the Senate, Carrie Edwards, St. Louis.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

FORTIETH DAY—WEDNESDAY, MARCH 24, 2010

---

## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

- |   |  |
|---|--|
| 1. SB 627-Justus (In Fiscal Oversight)          | 6. SB 845-Barnitz                      |
| 2. SJR 20-Bartle (In Fiscal Oversight)          | 7. SB 816-Lembke (In Fiscal Oversight) |
| 3. SB 779-Bartle (In Fiscal Oversight)          | 8. SCS for SB 777-Pearce               |
| 4. SS for SB 786-Rupp (In Fiscal Oversight)     | 9. SB 741-Griesheimer                  |
| 5. SCS for SB 944-Shields (In Fiscal Oversight) | 10. SB 628-Dempsey                     |

### SENATE BILLS FOR PERFECTION

SB 747-Rupp, et al

### HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |                                       |
|--|---------------------------------------|
| SB 579-Shields, with SCS               | SB 792-Dempsey and Rupp,              |
| SB 587-Nodler and Cunningham,          | with SS (pending)                     |
| with SCS & SA 1 (pending)              | SB 793-Mayer, et al, with SCS,        |
| SB 596-Callahan, with SCS (pending)    | SA 1 & SA 1 to SA 1 (pending)         |
| SB 606-Stouffer                        | SB 797-Green                          |
| SBs 607, 602, 615 & 725-Stouffer,      | SB 818-Lembke, with SCS (pending)     |
| with SCS & SA 1 (pending)              | SB 839-Wright-Jones, with SCS         |
| SB 625-Justus and Keaveny, with SCS    | SB 852-Lager, et al, with SS,         |
| SB 698-Griesheimer, with SCS (pending) | SA 1 & SSA 1 for SA 1 (pending)       |
| SB 714-Crowell                         | SB 877-Keaveny                        |
| SB 738-Crowell, with SCS               | SB 878-Lembke, with SCS (pending)     |
| SB 784-Schaefer and Pearce             | SBs 880, 780 & 836-Schaefer, with SCS |

SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS (pending)  
SB 896-Shields and Crowell  
SB 905-Bray, et al, with SCS (pending)  
SB 928-Lager  
SBs 991 & 645-Scott, with SCS (pending)  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS

SJR 29-Purgason and Cunningham,  
with SCS & SS for SCS (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1 (pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

## RESOLUTIONS

### Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 33-Nodler

SCR 46-Stouffer  
HCR 38-Icet, et al, with SCA 1

### To be Referred

HCR 46-Funderburk, et al

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTIETH DAY—WEDNESDAY, MARCH 24, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let’s not be afraid to look at everything that has brought us to where we are now and trust that we will soon see in it the guiding hand of a loving God.” (Henri Nouwen)

Merciful Father, we each here have our stressors and continue to pray for guidance. Help us, we pray, that we can see Your guiding hand in what is before us. Help us be humble and realize that we are but temporary managers here in the Senate allowed to exercise authority and make decisions as You direct us. May we be good stewards of the blessings and responsibilities You have entrusted to us as we serve those who elected us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV and Missouri Digital News were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Schaefer offered Senate Resolution No. 1942, regarding the 2009-2010 Moberly Spartan boys basketball team, which was adopted.

Senator Schaefer offered Senate Resolution No. 1943, regarding the 2009-2010 Moberly Lady Spartan basketball team, which was adopted.

Senator Barnitz offered Senate Resolution No. 1944, regarding Reverend Wilbur Eugene Harbaugh, St. Robert, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1945, regarding Megan Christine Prunty, Grover, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1946, regarding Kelsay Lynn Puckett, Hazelwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1947, regarding Amanda Marie Ritter, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1948, regarding Chanelle Ellyn Roberts, Downing, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1949, regarding Brianne Reneé Ross, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1950, regarding Sara Katherine Strother, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1951, regarding Hannah Jordan Veatch, Lewistown, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1952, regarding Rachel Marie Weatherford, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1953, regarding Lindsey Caroline Wildschuetz, Foristell, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1954, regarding Heather Lynn Wooden, O'Fallon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1955, regarding Kimberly Nicole Hauser, DeSoto, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1956, regarding Madeline Elise Gemoules, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1957, regarding Jessica Rae Foley, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1958, regarding Anastasia Bierut Evanoff, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1959, regarding Julie Marie Dowdy, Glendale, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1960, regarding Beth Ann Bielik, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1961, regarding Amelia Catherine Schoenbeck, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1962, regarding Caroline Elizabeth Kohlhagen, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1963, regarding Alexis Nora Dressel, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1964, regarding Maeve Marie Woeltje, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1965, regarding Victoria F. Halfmann, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1966, regarding Alicia Rae Glenn, Arnold, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1967, regarding Shelley Suzanne Freiburger, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1968, regarding Abigail Ruth Feldmann, Florissant, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1969, regarding Gabriella Jean Epstein, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1970, regarding Katherine Louise Davis, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1971, regarding Melissa Anne Darnold, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1972, regarding Hannah Marie Burkett, O'Fallon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1973, regarding Chelsey Nichole Buehrig, O'Fallon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1974, regarding Kelly Ruth Brooks, Lake St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1975, regarding Kaley Breanna Boone, Lewistown, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1976, regarding Mary Lois Blackwell, Clayton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1977, regarding Amanda Robert Honigfort, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1978, regarding Ashley Rae Jelovic, Town and

Country, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1979, regarding Theresa Louise Johnston, Foley, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1980, regarding Kelly Elizabeth Kapsar, Webster Groves, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1981, regarding Veronica Jean Kempen, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1982, regarding Lesleigh Kraft, Durham, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1983, regarding Andrea Ranita Lane, Festus, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1984, regarding Taylor Marie Foley, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1985, regarding Claire Elizabeth Heinicke, Glendale, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1986, regarding Elena Paige Janicik, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1987, regarding Nicole Elizabeth Jones, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1988, regarding Stephanie Danielle Sage, Ballwin, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1989, regarding Jennifer Elizabeth Scanlon, Ballwin, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1990, regarding Christina Marie Schmidt, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1991, regarding Julia Danielle Stephan, Imperial, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1992, regarding Audrey Elaine Wood, Wildwood, which was adopted.

### **SENATE BILLS FOR PERFECTION**

Senator Cunningham moved that **SJR 25**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SJR 25**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 25**

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to prohibiting laws interfering with freedom of choice in health care.

Was taken up.

Senator Cunningham moved that **SCS** for **SJR 25** be adopted.

Senator Cunningham offered **SS** for **SCS** for **SJR 25**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 25

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to prohibiting laws interfering with freedom of choice in health care.

Senator Cunningham moved that **SS** for **SCS** for **SJR 25** be adopted.

Senator Stouffer assumed the Chair.

At the request of Senator Cunningham, **SJR 25**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 1001**; **SB 987**; **SB 985**; **SCS** for **SB 979**; **SCS** for **SB 963**; **SB 945**; **SB 894**; **SB 893**; **SB 849**; **SB 833**; **SCS** for **SB 829**; **SS** for **SB 757**; **SCS** for **SB 787**; and **SB 1002**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### CONCURRENT RESOLUTIONS

Senator Nodler moved that **SCR 33** be taken up for adoption, which motion prevailed.

On motion of Senator Nodler, **SCR 33** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Cunningham—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Engler, the Senate recessed until 3:00 p.m.



**RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

**RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 1993, regarding the Missouri State High School Activities Association Class 3 State Champion Mt. Vernon Lady Mountaineers basketball team, which was adopted.

Senator Crowell offered Senate Resolution No. 1994, regarding AmerenUE, which was adopted.

Senator Goodman offered Senate Resolution No. 1995, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dale Owens, Aurora, which was adopted.

Senator Goodman offered Senate Resolution No. 1996, regarding Terry Cobb, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 1997, regarding Dan Ingenthron, Forsyth, which was adopted.

Senator Goodman offered Senate Resolution No. 1998, regarding the Ninetieth Birthday of Homer L. Isbell, Monett, which was adopted.

Senator Purgason offered Senate Resolution No. 1999, regarding the Fiftieth Wedding Anniversary of Reverend and Mrs. Dors Wilson, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2000, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lloyd Keet Hendrix, Conway, which was adopted.

Senator Rupp offered Senate Resolution No. 2001, regarding Andrew Joseph Ketts, Foristell, which was adopted.

Senator Rupp offered Senate Resolution No. 2002, regarding Nathan Placentia, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 2003, regarding Richard McCrary, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 2004, regarding Officer Ryan Van Wave, O'Fallon, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Cunningham moved that **SJR 25**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SJR 25** was again taken up.

At the request of Senator Cunningham, **SS** for **SCS** for **SJR 25** was withdrawn.

Senator Cunningham offered **SS No. 2** for **SCS** for **SJR 25**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 25

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the

Constitution of Missouri, relating to prohibiting laws interfering with freedom of choice in health care.

Senator Cunningham moved that **SS No. 2** for **SCS** for **SJR 25** be adopted.

Senator Stouffer assumed the Chair.

Senator Bray offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 25, Page 2, Section 35, Line 9 of said page, by inserting immediately after “4.” the following: **“Except as provided in subsection 6 of this section,”**; and

Further amend said bill and section, Page 3, Line 15, by inserting after all of said line the following:

**“6. The federal government shall make no law infringing on a woman's right to make reproductive decisions that impact her health and safety, including, but not limited to, her choice to have an abortion and her choice to utilize any means of contraception whatsoever.”**

Senator Bray moved that the above amendment be adopted.

Senator Cunningham requested a roll call vote be taken on the adoption of **SA 1** and was joined in her request by Senators Bray, Pearce, Rupp and Schmitt.

**SA 1** failed of adoption by the following vote:

#### YEAS—Senators

Bray	Days	Justus	Wilson	Wright-Jones—5
------	------	--------	--------	----------------

#### NAYS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer—28				

Absent—Senators—None

Absent with leave—Senator Vogel—1

Vacancies—None

Senator Engler assumed the Chair.

Senator Callahan offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 25, Page 2, Section 35, Line 9 of said page, by inserting immediately after “4.” the following: **“Except as provided in subsection 6 of this section,”**; and

Further amend said bill and section, Page 3, Line 15, by inserting after all of said line the following:

**“6. So that all veterans shall have the freedom to choose the best and most effective health care**

**service delivery possible, the federal government shall make no law that interferes with or limits the amount of coverage to which a veteran is entitled and shall ensure that all veterans shall have access to the most effective health care service delivery at no cost to the veteran whatsoever.”.**

Senator Callahan moved that the above amendment be adopted.

Senator Stouffer assumed the Chair.

Senator Green requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Barnitz, Champion, Justus and Shoemyer.

**SA 2** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Days	Green	Justus	Keaveny	McKenna
Shoemyer	Wilson	Wright-Jones—11					

NAYS—Senators

Bartle	Champion	Crowell	Cunningham	Dempsey	Engler	Goodman	Lager
Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt
Scott	Shields	Stouffer—19					

Absent—Senators

Clemens	Griesheimer	Schaefer—3
---------	-------------	------------

Absent with leave—Senator Vogel—1

Vacancies—None

Senator Shoemyer offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 25, Page 2, Section 35, Line 9 of said page, by inserting immediately after “4.” the following: **“Except as provided in subsection 6 of this section,”**; and

Further amend said bill and section, Page 3, Line 15, by inserting after all of said line the following:

**“6. So that access to health care shall not be jeopardized, particularly in those areas that are underserved, the federal government shall make no law that interferes with or limits the amount of coverage to which one is entitled to receive with regard to health care services provided by rural health clinics and shall ensure that all such clinics are funded in an adequate manner.”.**

Senator Shoemyer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Callahan, Justus, and Keaveny.

**SA 3** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Days	Green	Justus	Keaveny	McKenna
Shoemyer	Wilson	Wright-Jones—11					

## NAYS—Senators

Bartle	Champion	Crowell	Cunningham	Dempsey	Engler	Goodman	Griesheimer
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Stouffer—21			

Absent—Senator Clemens—1

Absent with leave—Senator Vogel—1

Vacancies—None

Senator Justus offered **SA 4**, which was read:

## SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 25, Page 2, Section 35, Line 9 of said page, by inserting immediately after “4.” the following: **“Except as provided in subsection 6 of this section,”**; and

Further amend said bill and section, Page 3, Line 15, by inserting after all of said line the following:

**“6. So that all parents of children under the age of eighteen have the freedom to choose the most effective means to treat their child, the federal government shall make no law that interferes with or limits the amount of coverage to which one is entitled with regard to children under the age of eighteen and shall ensure that all such children shall have access to adequate health care by ensuring that all children under the age of eighteen have access to adequate health care. Under no circumstances shall any child under the age of eighteen be without access to the same, or substantially the same, level of health care afforded to state employees and members of the general assembly.”.**

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Crowell, Keaveny and Wright-Jones.

**SA 4** failed of adoption by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Days	Green	Justus	Keaveny	McKenna
Shoemyer	Wilson	Wright-Jones—11					

## NAYS—Senators

Bartle	Champion	Crowell	Cunningham	Dempsey	Engler	Goodman	Griesheimer
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Shields	Stouffer—18						

## Absent—Senators

Clemens	Schaefer	Schmitt	Scott—4
---------	----------	---------	---------

Absent with leave—Senator Vogel—1

Vacancies—None

Senator Callahan offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 25, Page 2, Section 35, Line 9 of said page, by inserting immediately after “4.” the following: **“Except as provided in subsection 6 of this section,”**; and

Further amend said bill and section, Page 3, Line 15, by inserting after all of said line the following:

**“6. So that no woman feels compelled to abort her unborn child, the federal government shall make no law that interferes with or limits the amount of coverage to which one is entitled to receive with regard to prenatal care and shall ensure that all pregnant women have access to the same, or substantially the same, level of prenatal care afforded to state employees and members of the general assembly at no cost to the woman.”.**

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Cunningham, **SJR 25**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Days introduced to the Senate, Laronda Strayhorn, Virginia Zschau, Don Duncan, Lynn Carter, Tara Cook, Tanya Bounds, Melissa Gould and Heidi Wind, representatives of Allied College, Maryland Heights.

Senator Schmitt introduced to the Senate, Preston and Michael Fancher, Creve Coeur.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Randall Mueller, M.D., Columbia.

The President introduced to the Senate, representatives of Missouri Dermatological Society Association.

Senator Cunningham introduced to the Senate, representatives of Missouri Pilots Association and St. Louis Business Aviation Association.

Senator Lembke introduced to the Senate, Colonel John Mais, Captain Mike Smith, Cadet Chris Grenke and Cadet Dainec Stefan, representatives of Civil Air Patrol.

Senator Clemens introduced to the Senate, Jacob Lawrence, Nixa.

Senator Pearce introduced to the Senate, Dr. Shari Bax and students from University of Central Missouri.

Senator McKenna introduced to the Senate, Cindy Erickson, Janice Thomas, Matt Meyer, Jeanie Seld Latz, Melissa Friel and Mike Odneal, representatives of the American Red Cross.

Senator Goodman introduced to the Senate, representatives of Gold Leadership Group from Southwest Missouri.

Senator Schaefer introduced to the Senate, Ms. Kome and one hundred forty fourth grade students from Fairview Elementary School, Columbia; and Mia Hale was made an honorary page.

Senator Pearce introduced to the Senate, students from McEowen Elementary School, Harrisonville.

Senator Green introduced to the Senate, Don Pokorny, St. Louis County.

Senator Cunningham introduced to the Senate, students from Bellerive Elementary School, St. Louis County.

Senator Rupp introduced to the Senate, Bob Padella, Lincoln County.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

FORTY-FIRST DAY—THURSDAY, MARCH 25, 2010

---

## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

- |   |                                |
|---|--------------------------------|
| 1. SB 627-Justus (In Fiscal Oversight)          | 13. SB 985-Goodman             |
| 2. SJR 20-Bartle (In Fiscal Oversight)          | 14. SCS for SB 979-Rupp        |
| 3. SB 779-Bartle (In Fiscal Oversight)          | 15. SCS for SB 963-Shoemyer    |
| 4. SS for SB 786-Rupp (In Fiscal Oversight)     | 16. SB 945-Bray                |
| 5. SCS for SB 944-Shields (In Fiscal Oversight) | 17. SB 894-Dempsey and Crowell |
| 6. SB 845-Barnitz                               | 18. SB 893-Days                |
| 7. SB 816-Lembke (In Fiscal Oversight)          | 19. SB 849-Barnitz             |
| 8. SCS for SB 777-Pearce                        | 20. SB 833-Goodman             |
| 9. SB 741-Griesheimer                           | 21. SCS for SB 829-Schaefer    |
| 10. SB 628-Dempsey                              | 22. SS for SB 757-Rupp         |
| 11. SB 1001-Griesheimer                         | 23. SCS for SB 787-Rupp        |
| 12. SB 987-Stouffer                             | 24. SB 1002-Wilson             |

### SENATE BILLS FOR PERFECTION

SB 747-Rupp, et al

### HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 579-Shields, with SCS                                   | SB 606-Stouffer  |
| SB 587-Nodler and Cunningham, with SCS &<br>SA 1 (pending) | SBs 607, 602, 615 & 725-Stouffer, with<br>SCS & SA 1 (pending) |
| SB 596-Callahan, with SCS (pending)                        | SB 625-Justus and Keaveny, with SCS                            |

SB 698-Griesheimer, with SCS (pending)  
 SB 714-Crowell  
 SB 738-Crowell, with SCS  
 SB 784-Schaefer and Pearce  
 SB 792-Dempsey and Rupp, with SS (pending)  
 SB 793-Mayer, et al, with SCS, SA 1 &  
     SA 1 to SA 1 (pending)  
 SB 797-Green  
 SB 818-Lembke, with SCS (pending)  
 SB 839-Wright-Jones, with SCS  
 SB 852-Lager, et al, with SS, SA 1 & SSA 1 for  
     SA 1 (pending)  
 SB 877-Keaveny  
 SB 878-Lembke, with SCS (pending)  
 SBs 880, 780 & 836-Schaefer, with SCS  
 SBs 895, 813, 911, 924, 922 &  
     802-Dempsey, et al, with SCS (pending)

SB 896-Shields and Crowell  
 SB 905-Bray, et al, with SCS (pending)  
 SB 928-Lager  
 SBs 991 & 645-Scott, with SCS (pending)  
 SJR 22-Callahan  
 SJR 25-Cunningham, et al, with SCS,  
     SS#2 for SCS & SA 5 (pending)  
 SJR 29-Purgason and Cunningham, with SCS  
     & SS for SCS (pending)  
 SJR 31-Scott  
 SJR 33-Bartle, with SA 1 (pending)  
 SJR 34-Goodman, et al, with SA 1 (pending)  
 SJR 38-Ridgeway  
 SJR 40-Goodman, with SA 1 (pending)

## RESOLUTIONS

### Reported from Committee

SCR 42-Bray, with SCA 1  
 HCS for HCR 18, with SA 1 (pending) (Rupp)

SCR 46-Stouffer  
 HCR 38-Icet, et al, with SCA 1

### To be Referred

HCR 46-Funderburk, et al

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-FIRST DAY—THURSDAY, MARCH 25, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The tongue is the heart’s pen and the mind’s messenger.” (Bahya)

O Lord, we pray that You will be with us today as we finish up the work that is before us and then head home. Make us mindful that our words convey much to those who love us and we ask that our words transmit what they really mean to us. Help us show our love more in the gift of our time and attention and make them a priority in our lives especially when we are able to be with them. Help us keep our word to our children and grandchildren so that they may know that in a world that is increasingly glib about what they promise our word is true. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Stouffer assumed the Chair.



**RESOLUTIONS**

Senator Vogel offered Senate Resolution No. 2005, regarding Karla Schmolzi, Jefferson City, which was adopted.

Senator Pearce offered Senate Resolution No. 2006, regarding Shirley Albert, Warrensburg, which was adopted.

Senator Bray offered Senate Resolution No. 2007, regarding Anna M. Sable, St. Louis, which was adopted.

Senator Mayer offered Senate Resolution No. 2008, regarding Joshua Clayton Cooper Smith, which was adopted.

**THIRD READING OF SENATE BILLS**

**SB 845**, introduced by Senator Barnitz, entitled:

An Act to repeal sections 115.279, 115.281, 115.287, 115.291, and 115.292, RSMo, and to enact in lieu thereof seven new sections relating to uniformed and overseas voters.

Was taken up.

On motion of Senator Barnitz, **SB 845** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 777**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 777**

An Act to repeal sections 408.052, 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof five new sections relating to the sale of certain financial products and plans associated with certain loan transactions, with penalty provisions for a certain section.

Was taken up by Senator Pearce.

Senator Bartle assumed the Chair.

On motion of Senator Pearce, **SCS** for **SB 777** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 741**, introduced by Senator Griesheimer, entitled:

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to recall of ambulance district board members.

Was taken up.

On motion of Senator Griesheimer, **SB 741** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Lager—1

Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 628**, introduced by Senator Dempsey, entitled:

An Act to repeal section 55.030, RSMo, and to enact in lieu thereof one new section relating to county inventory.

Was taken up.

On motion of Senator Dempsey, **SB 628** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 1001**, introduced by Senator Griesheimer, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to local government week.

Was taken up.

At the request of Senator Griesheimer, **SB 1001** was placed on the Informal Calendar.

**SB 987**, introduced by Senator Stouffer, entitled:

An Act to repeal section 172.794, RSMo, and to enact in lieu thereof one new section relating to funding for research projects by the University of Missouri board of curators.

Was taken up.

On motion of Senator Stouffer, **SB 987** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 985**, introduced by Senator Goodman, entitled:

An Act to repeal sections 452.430, 454.515, and 525.233, RSMo, and to enact in lieu thereof three new sections relating to personal identification information in certain documents, with an emergency clause for a certain section.

Was taken up.

Senator Griesheimer assumed the Chair.

On motion of Senator Goodman, **SB 985** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 979**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 979

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the approval or disapproval of long-term care insurance rates by the director of the department of insurance, financial institutions and professional registration.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS for SB 979** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 963**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 963

An Act to repeal sections 161.415 and 640.240, RSMo, and to enact in lieu thereof two new sections relating to scholarships to be administered by the department of higher education.

Was taken up by Senator Shoemyer.

On motion of Senator Shoemyer, **SCS** for **SB 963** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shoemyer, title to the bill was agreed to.

Senator Shoemyer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 945**, introduced by Senator Bray, entitled:

An Act to repeal section 630.220, RSMo, and to enact in lieu thereof one new section relating to court actions by the department of mental health.

Was taken up.

On motion of Senator Bray, **SB 945** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**REFERRALS**

President Pro Tem Shields referred **SB 894** to the Committee on Governmental Accountability and Fiscal Oversight.

**THIRD READING OF SENATE BILLS**

**SB 893**, introduced by Senator Days, entitled:

An Act to repeal sections 455.038 and 455.040, RSMo, and to enact in lieu thereof two new sections relating to orders of protection.

Was taken up.

On motion of Senator Days, **SB 893** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 849**, introduced by Senator Barnitz, entitled:

An Act to repeal sections 190.335 and 190.339, RSMo, and to enact in lieu thereof two new sections relating to emergency services.

Was taken up.

On motion of Senator Barnitz, **SB 849** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 833**, introduced by Senator Goodman, entitled:

An Act to repeal section 351.340, RSMo, and to enact in lieu thereof one new section relating to board meetings of corporations.

Was taken up.

On motion of Senator Goodman, **SB 833** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp



Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 829**, introduced by Senator Schaefer, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 829

An Act to repeal sections 67.402 and 71.285, RSMo, and to enact in lieu thereof two new sections relating to nuisance abatement ordinances.

Was taken up.

On motion of Senator Schaefer, **SCS** for **SB 829** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer	McKenna
Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott	Shields	Stouffer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Barnitz	Crowell	Lembke	Purgason	Ridgeway	Shoemyer—6
---------	---------	--------	----------	----------	------------

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS** for **SB 757**, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 757

An Act to repeal sections 37.850 and 55.030, RSMo, and to enact in lieu thereof three new sections relating to the oversight of public funds, with an expiration date for a certain section.

Was taken up.

On motion of Senator Rupp, **SS** for **SB 757** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 787**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 787

An Act to repeal sections 595.036, 595.037, and 595.060, RSMo, and to enact in lieu thereof four new sections relating to crime victims' compensation fund claims.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS** for **SB 787** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Keaveny—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 1002**, introduced by Senator Wilson, entitled:

An Act to amend chapter 184, RSMo, by adding thereto five new sections relating to the establishment of the Kansas City zoological district.

Was taken up.

On motion of Senator Wilson, **SB 1002** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle	Crowell	Cunningham	Lembke	Purgason—5
--------	---------	------------	--------	------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Daniel Isom, as a member of the Peace Officer Standards and Training Commission;

Also,

Dennis E. Rose, Democrat, as a member of the Missouri Ethics Commission;

Also,

Joseph B. Bosse, Republican, as a member of the Northwest Missouri State University Board of Regents;

Also,

Michael P. Dierkes, Republican, as a member of the Missouri Commission on Human Rights;

Also,

Barbara J. Gilchrist, Democrat, as a member of the State Board of Senior Services;

Also,

Stephanie M. Grise, as a member of the Credit Union Commission;

Also,

Helen J. Sandkuhl and Randall J. Davis, as members of the State Advisory Council on Emergency Medical Services;

Also,

Ezekiel P. Tarrant, as the student representative to the Missouri Southern State University Board of Governors;

Also,

David Kierst, Jr. and Jacquelyn Metheny, as members of the Child Abuse and Neglect Review Board;

Also,

Martina L. Peterson, as a member of the Children's Trust Fund Board;

Also,

Joshua Tennison and David C. Cramp, as members of the Missouri Workforce Investment Board;

Also,

Kathleen Alexander, as a member of the Missouri Quality Home Care Council;

Also,

Joseph L. Adams, as a member of the State Historical Records Advisory Board;

Also,

Morey A. Blinder and Gary Gottesman, as members of the Missouri Genetic Advisory Committee.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 868**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 984**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 819**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 739**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 999**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 1058**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 848**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mayer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2014**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 1026**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 705**, begs leave to report that it has considered the same and recommends that the

bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 733**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 734**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **REFERRALS**

President Pro Tem Shields referred **HCR 46** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 2009, regarding Tristan Kendall Cummings, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Pearce introduced to the Senate, Violet Corbett and Korey Sproat and Mary Kate Purcell, members of Farm Bureau Youth Leadership, Johnson County.

On behalf of Senator McKenna and himself, Senator Lembke introduced to the Senate, Jill Clones and her daughter, Jessica, Julie Sties and her daughter, Megan, Freida Miskovic and her daughter, Nina and Michelle Tyler and her daughter, Zoe, members of Girl Scout Troop 2722, Imperial; and Jessica, Megan, Nina and Zoe were made honorary pages.

Senator Barnitz introduced to the Senate, former State Representative Merrill Townley and Amanda Keilholz, Catlin Stephan, members of Farm Bureau Youth Leadership, Osage County; and Hallie Fanning, Chris Cahill, Garrett Honse, Jessica Noblett, Amber Fawcett, John Rujawitz, Kristen Smith and Chris Brundick, members of Farm Bureau Youth Leadership, Maries County.

On behalf of Senator Clemens and himself, Senator Goodman introduced to the Senate, the Physician of the Day, Dr. William R. Reynolds, M.D. and his daughter, Rachel, Nixa.

Senator Goodman introduced to the Senate, Caitlin Morrow, Bolivar; and Caitlin was made an honorary page.

Senator Purgason introduced to the Senate, Shayla Lowe and Scott Long, members of Farm Bureau Youth Leadership, Texas County.

Senator Purgason introduced to the Senate, Jessica Nagy, St. Charles.

Senator Shoemyer introduced to the Senate, Corey Stott, Jessica Sites and members of Farm Bureau Youth Leadership from Scotland and Boone Counties.

Senator Wilson introduced to the Senate, Jeffery L. McDaniels, J.D., Kansas City.

Senator Dempsey introduced to the Senate, fourth grade students from St. Cletus Elementary School, St. Charles.

Senator Pearce introduced to the Senate, Mr. Moreland and members of Farm Bureau Youth Leadership, Cass County.

Senator Scott introduced to the Senate, Kim Wheeler and Kollen Chapman, Ben Brown, Evan Shelby and Katie Hash, members of Farm Bureau Youth Leadership from St. Clair County; and Don McCune, Caleb George, Kara Bullock, Brandon Brown, Caraline Harrelson and Kulani Lawler, members of Farm Bureau Youth Leadership, Henry County.

Senator Barnitz introduced to the Senate, Sherry Byram, Ashley Stacklin, Jessica Pratt, Clayton Rohlfig, Dakota Wright, Katie Wehmeyer, Ethan Keeney, and Carolyn Winhart, members of Farm Bureau Youth Leadership, Gasconade County.

On behalf of Senator Stouffer, the President introduced to the Senate, Julie Bruner and fourth grade students from Tri-County Christian School, Macon.

Senator Clemens introduced to the Senate, advisors and members of Farm Bureau Youth Leadership, Webster County.

Senator Barnitz introduced to the Senate, Mary Ellen Sommer, Patrick Meadows, Austin Vanbooven, Cole Vanbooven, Kaitlin Poindexter and Sabrina Cope, members of Farm Bureau Youth Leadership, Montgomery County.

Senator Shoemyer introduced to the Senate, members of Farm Bureau Youth Leadership, Monroe County.

Senator Crowell introduced to the Senate, Dennis Bradford, Andrew Lamb, Kayulyn Alexander, Tony Shoemaker, Ethan Smallen and Kay Bradford, members of Farm Bureau Youth Leadership, Madison County.

Senator Lager introduced to the Senate, Keith and Nancy Sutton, Danielle Myers and Dustin Robinson, members of Farm Bureau Youth Leadership, Daviess County; Craig and Lori Foster, Paige Foster, Meggan Kaster, Alexa Hughes, Kaytlyn Tannehill, Emily Walling and Jessie Blanton, members of Farm Bureau Youth Leadership, DeKalb County; and Casey Beavers, Alyssa Dougan, Sam Hudson and Hannah Griffin, members of Farm Bureau Youth Leadership, Grundy County.

Senator Goodman introduced to the Senate, Matt Moennig, Kelsei Krueger, John Digbero, Lathe Hopkins, Cord Schnakerberg and Boyd Arthur, members of Farm Bureau Youth Leadership, Lawrence County.

Senator Lager introduced to the Senate, Alan Guernsey and Jesse Long and Hannah Guernesey, members of Farm Bureau Youth Leadership, Harrison County; and April Johnson, Amanda Hague, Jennifer Browder, Jessica Snyder, Haley Reed, Trevor Tucker and Justin Oaks, members of Farm Bureau Youth Leadership, Sullivan County.

Senator Nodler introduced to the Senate, Ellen Trapp and Christian Feld, Germany.

Senator Griesheimer introduced to the Senate, Stacy Ward, Warren County.

Senator Clemens introduced to the Senate, chaperones and members of Farm Bureau Youth Leadership from Greene and Polk Counties.

Senator Scott introduced to the Senate, Ryan Rippee, Cody Rash, Kelsey Nunn and Jerry Grokovaty, members of Farm Bureau Youth Leadership from Polk County.

Senator Scott introduced to the Senate, David Summers, Jayson Singer, Jerrica Black, Hope Ethridge, Julie Fox and Chad Puckett, Show Me Christian Youth Home, LaMonte.

Senator Scott introduced to the Senate, Justin Skeen, Shelby Cox, Lexi Patten, Amanda Sandmann and Dayle Nelson, members of Farm Bureau Youth Leadership from Dallas County.

Senator Ridgeway introduced to the Senate, Diane Mead and Kristen Thompson and Rex Husted, members of Farm Bureau Youth Leadership from Clay County.

Senator Stouffer introduced to the Senate, members of Farm Bureau Youth Leadership from Carroll, Chariton, Howard, Macon and Clay Counties.

Senator Mayer introduced to the Senate, Eugenia Counce, adults and eighteen fourth grade students from Caruthersville Elementary School; and Emma Middleton, Mary Grace Reeves, Alexandra White and Adi Hubbard were made honorary pages.

Senator Lager introduced to the Senate, Donald Herring, Dana Lane and Rachel Zumbrunnen, Shelby Lane, Chalen Jackson, Emily Morgan, Dillan Howe, Rick Tate and Ethan Molloy, members of Farm Bureau Youth Leadership from Linn County; and members of Farm Bureau Youth Leadership from Caldwell and Livingston Counties.

Senator Schaefer introduced to the Senate, Deanna Crocker, Judy Stanton and Shari Brunner, Dustin Stanton and Michael Mahieu, members of Farm Bureau Youth Leadership from Boone County.

Senator Barnitz introduced to the Senate, Jessy Haslag, Shelby Scheulen, Jason Kempker, Jacob Frank, Adam Strope, Tyler Rothove, Jennifer Hawkins and Jeremia Markway, members of Farm Bureau Youth Leadership from Osage County.

On behalf of Senator Griesheimer, the President introduced to the Senate, members of Washington Lions Club.

Senator Pearce introduced to the Senate, students from McEowen Elementary School, Harrisonville.

Senator Scott introduced to the Senate, John Montemayor, Joyce Sommers, Brandon Dority, Haeley Kreisel, Nicholas Dieckman, Ray Hoover, Kyle Orick, Heather Gardner, Bryson Waibel and Ashlyn Richardson, members of Farm Bureau Youth Leadership from Benton County.

Senator Crowell introduced to the Senate, members of Farm Bureau Youth Leadership from Cape Girardeau and Bollinger Counties.

On motion of Senator Engler, the Senate adjourned until 10:00 a.m., Friday, March 26, 2010.



## SENATE CALENDAR

---

 FORTY-SECOND DAY—FRIDAY, MARCH 26, 2010
 

---

## FORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)	SCS for SB 944-Shields (In Fiscal Oversight)
SJR 20-Bartle (In Fiscal Oversight)	SB 816-Lembke (In Fiscal Oversight)
SB 779-Bartle (In Fiscal Oversight)	SB 894-Dempsey and Crowell
SS for SB 786-Rupp (In Fiscal Oversight)	(In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

1. SB 747-Rupp, et al	7. SB 1058-Shields
2. SB 868-Shields	8. SB 848-Barnitz
3. SB 984-Lembke	9. SB 1026-Rupp
4. SB 819-Lembke	10. SB 705-Griesheimer
5. SB 739-Lembke	11. SB 733-Pearce, with SCS
6. SB 999-Schaefer	12. SB 734-Pearce, with SCS

## HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)	HCS for HB 2014, with SCS (Mayer)
--	-----------------------------------

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SB 1001-Griesheimer

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SB 714-Crowell
SB 587-Nodler and Cunningham, with SCS & SA 1 (pending)	SB 738-Crowell, with SCS
SB 596-Callahan, with SCS (pending)	SB 784-Schaefer and Pearce
SB 606-Stouffer	SB 792-Dempsey and Rupp, with SS (pending)
SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)	SB 793-Mayer, et al, with SCS, SA 1 & SA 1 to SA 1 (pending)
SB 625-Justus and Keaveny, with SCS	SB 797-Green
SB 698-Griesheimer, with SCS (pending)	SB 818-Lembke, with SCS (pending)
	SB 839-Wright-Jones, with SCS

SB 852-Lager, et al, with SS, SA 1 & SSA 1 for SA 1 (pending)	SJR 22-Callahan
SB 877-Keaveny	SJR 25-Cunningham, et al, with SCS, SS#2 for SCS and SA 5 (pending)
SB 878-Lembke, with SCS (pending)	SJR 29-Purgason and Cunningham, with SCS & SS for SCS (pending)
SBs 880, 780 & 836-Schaefer, with SCS	SJR 31-Scott
SBs 895, 813, 911, 924, 922 & 802-Dempsey, et al, with SCS (pending)	SJR 33-Bartle, with SA 1 (pending)
SB 896-Shields and Crowell	SJR 34-Goodman, et al, with SA 1 (pending)
SB 905-Bray, et al, with SCS (pending)	SJR 38-Ridgeway
SB 928-Lager	SJR 40-Goodman, with SA 1 (pending)
SBs 991 & 645-Scott, with SCS (pending)	

## RESOLUTIONS

### Reported from Committee

SCR 42-Bray, with SCA 1	SCR 46-Stouffer
HCS for HCR 18, with SA 1 (pending) (Rupp)	HCR 38-Icet, et al, with SCA 1

✓

# Journal of the Senate

SECOND REGULAR SESSION

---

**FORTY-SECOND DAY—FRIDAY, MARCH 26, 2010**

---

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

## RESOLUTIONS

On behalf of Senator Pearce, Senator Vogel offered Senate Resolution No. 2010, regarding Ryan Taylor Coop, Peculiar, which was adopted.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2001**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2002**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2003**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2004**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2005**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2006**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of

Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2007**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2008**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2009**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2010**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of

Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2011**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2012**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2013**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution

of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2198**, entitled:

An Act to repeal sections 407.810, 407.815, 407.817, 407.822, 407.825, 407.828, and 407.835, RSMo, and to enact in lieu thereof thirteen new sections relating to motor vehicle franchise practices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1207**, entitled:

An Act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to classification of certain real property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1842**, entitled:

An Act relating to votes on tax measures.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1446**, entitled:

An Act to repeal sections 67.085, 362.111, 408.052, 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof seven new sections relating to financial transactions, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535 and 1811**, entitled:

An Act to repeal sections 32.056, 58.370, 66.010, 105.711, 193.087, 193.125, 193.255, 210.145, 210.150, 210.152, 211.031, 288.034, 301.146, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 452.377, 452.340, 452.430, 454.425, 454.475, 454.515, 454.517, 454.548, 454.557, 454.1003, 455.501, 476.083, 525.233, 537.296, 537.528, 542.286, 563.011, 563.031, 571.030, 571.070, 571.101, 571.104, 571.104, and 571.107, RSMo, and to enact in lieu thereof fifty-one new sections relating to the justice system, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 87**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Vogel, the Senate adjourned until 4:00 p.m., Monday, March 29, 2010.

#### SENATE CALENDAR

---

FORTY-THIRD DAY—MONDAY, MARCH 29, 2010

---

#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 2001  
HCS for HB 2002  
HCS for HB 2003  
HCS for HB 2004  
HCS for HB 2005  
HCS for HB 2006  
HCS for HB 2007  
HCS for HB 2008  
HCS for HB 2009  
HCS for HB 2010

HCS for HB 2011  
HCS for HB 2012  
HCS for HB 2013  
HCS for HB 2198  
HCS for HB 1207  
HB 1842-Wilson (130)  
HCS for HB 1446  
HCS#2 for HBs 1692, 1209,  
1405, 1499, 1535 & 1811  
HCS for HJR 87



THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)	SCS for SB 944-Shields (In Fiscal Oversight)
SJR 20-Bartle (In Fiscal Oversight)	SB 816-Lembke (In Fiscal Oversight)
SB 779-Bartle (In Fiscal Oversight)	SB 894-Dempsey and Crowell
SS for SB 786-Rupp (In Fiscal Oversight)	(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 747-Rupp, et al	7. SB 1058-Shields
2. SB 868-Shields	8. SB 848-Barnitz
3. SB 984-Lembke	9. SB 1026-Rupp
4. SB 819-Lembke	10. SB 705-Griesheimer
5. SB 739-Lembke	11. SB 733-Pearce, with SCS
6. SB 999-Schaefer	12. SB 734-Pearce, with SCS

HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)	HCS for HB 2014, with SCS (Mayer)
--	-----------------------------------

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1001-Griesheimer

SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SB 738-Crowell, with SCS
SB 587-Nodler and Cunningham, with SCS & SA 1 (pending)	SB 784-Schaefer and Pearce
SB 596-Callahan, with SCS (pending)	SB 792-Dempsey and Rupp, with SS (pending)
SB 606-Stouffer	SB 793-Mayer, et al, with SCS, SA 1 & SA 1 to SA 1 (pending)
SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)	SB 797-Green
SB 625-Justus and Keaveny, with SCS	SB 818-Lembke, with SCS (pending)
SB 698-Griesheimer, with SCS (pending)	SB 839-Wright-Jones, with SCS
SB 714-Crowell	SB 852-Lager, et al, with SS, SA 1 & SSA 1 for SA 1 (pending)

SB 877-Keaveny  
SB 878-Lembke, with SCS (pending)  
SBs 880, 780 & 836-Schaefer, with SCS  
SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS (pending)  
SB 896-Shields and Crowell  
SB 905-Bray, et al, with SCS (pending)  
SB 928-Lager  
SBs 991 & 645-Scott, with SCS (pending)  
SJR 22-Callahan

SJR 25-Cunningham, et al, with SCS,  
SS#2 for SCS and SA 5 (pending)  
SJR 29-Purgason and Cunningham, with SCS  
& SS for SCS (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1 (pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

## RESOLUTIONS

### Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)

SCR 46-Stouffer  
HCR 38-Icet, et al, with SCA 1

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-THIRD DAY—MONDAY, MARCH 29, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“He who carries God in his heart bears heaven with him wherever he goes.” (St. Ignatius of Loyola)

Gracious God, we are grateful that You have watched our “going out and coming in” knowing You cared about us and helped us be responsible as we drove here. Continue to be with us and guide our thoughts and actions throughout this week helping us be part of the solutions that our people need and a caring, compassionate response to those in need. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 25, 2010 and Friday, March 26, 2010 were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 2011, regarding Andrew Wilson Jones, Chesterfield, which was adopted.

Senator Vogel offered Senate Resolution No. 2012, regarding Kinley Elizabeth Kemna, St. Elizabeth, which was adopted.

Senator Vogel offered Senate Resolution No. 2013, regarding Regina Marie Boeckman, St. Elizabeth, which was adopted.

Senators Vogel and McKenna offered Senate Resolution No. 2014, regarding Pete Rahn, which was adopted.

Senator Schaefer offered Senate Resolution No. 2015, regarding Brian Hoffer, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 2016, regarding Cindy Stein, Columbia, which was adopted.

Senator Scott offered Senate Resolution No. 2017, regarding Lowry City, which was adopted.

Senator Scott offered Senate Resolution No. 2018, regarding Harold J. Johnston, Sedalia, which was adopted.

Senator Crowell offered Senate Resolution No. 2019, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Guy Seabaugh, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2020, regarding the One Hundredth Birthday of Napoleon B. Braswell, Marquand, which was adopted.

Senator Engler offered Senate Resolution No. 2021, regarding Frankie L. Shirrell, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 2022, regarding James D. Fox, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 2023, regarding Richard T. Baker, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 2024, regarding the Boys & Girls Clubs of Missouri, which was adopted.

Senator Bartle offered Senate Resolution No. 2025, regarding Kansas City Power & Light's Sibley Generating Station, which was adopted.

### **SENATE BILLS FOR PERFECTION**

Senator Lager moved that **SB 928** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Lager offered **SS** for **SB 928**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 928**

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to the sales tax treatment of sales for resale, with an emergency clause.

Senator Lager moved that **SS** for **SB 928** be adopted.

Senator Rupp assumed the Chair.

Senator Ridgeway offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 928, Page 3, Section 144.018, Line 12, by inserting immediately after all of said line the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the

installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a “material recovery processing plant” means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010, RSMo. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, in the transportation of persons or property;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, “processing” means any mode of treatment, act or series of acts performed upon

materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to

foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) “Domestic use” means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification “residential” and sales to and purchases made by or on behalf of the occupants of residential apartments or



condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material

recovery processing plant as defined in subdivision (4) of this subsection;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo;

(38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(39) All purchases by a sports complex authority created under section 64.920, RSMo;

(40) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance

of aircraft, aircraft power plants, and aircraft accessories;

**(41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Lager moved that **SS** for **SB 928**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SS** for **SB 928**, as amended, was declared perfected and ordered printed.

Senator Rupp moved that **SB 747** be taken up for perfection, which motion prevailed.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 747, Page 1, Section 376.805, Line 16, by striking “nor shall”; and further amend lines 17-19, by striking all of said lines and inserting in lieu thereof the following: **“except by an optional rider for which there must be paid an additional premium.”**

Senator Bray moved that the above amendment be adopted.

At the request of Senator Rupp, **SB 747**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Shields moved that **SB 868** be taken up for perfection, which motion prevailed.

At the request of Senator Shields, **SB 868** was placed on the Informal Calendar.

Senator Lembke moved that **SB 984** be taken up for perfection, which motion prevailed.

Senator Lembke offered **SS** for **SB 984**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 984

An Act to repeal sections 313.805 and 313.830, RSMo, and to enact in lieu thereof two new sections relating to prohibited acts on excursion gambling boats, with penalty provisions.

Senator Lembke moved that **SS** for **SB 984** be adopted, which motion prevailed.

On motion of Senator Lembke, **SS** for **SB 984** was declared perfected and ordered printed.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jerry F. Bagby, Democrat, 701 Saddle Spur Road, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri Alternative Fuels Commission, for a term ending March 25, 2012, and until his successor is duly appointed and qualified; vice, Joseph Paulsmeyer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael Brewer, 4700 Clark Lane, #104, Columbia, Boone County, Missouri 65202, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, Michael Brewer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Don W. Cook, 677 Dougherty Terrace Drive, Manchester, Saint Louis County, Missouri 63021, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2013, and until his successor is duly appointed and qualified; vice, Don W. Cook, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dale S. Dowell, 17 Tripoli, Mexico, Audrain County, Missouri 65265, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 20, 2012 and until his successor is duly appointed and qualified; vice, Dale S. Dowell, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Peter Gregory, 3547 Penn Street, Saint Joseph, Buchanan County, Missouri 64507, as the student representative of the Missouri Western State University Board of Governors, for a term ending December 31, 2011, and until his successor is duly appointed and qualified; vice, Dillon L. Harp, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John Harper, 2813 Burrwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, John Harper, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brian P. Kelly, 871 Covington Court, Brentwood, Saint Louis County, Missouri 63144, as the student representative of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2012, and until his successor is duly appointed and qualified; vice, Leni R. Fluegge, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Benjamin Lampert, 4367 East Bogey Court, Springfield, Greene County, Missouri 65809, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Toni Smith, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Eric S. Latimer, 1801 West Finley River Drive, Nixa, Stone County, Missouri 65714, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2013, and until his successor is duly appointed and qualified; vice, Joseph Salomone, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lewis B. Moye, 4472 Bircher Boulevard, Saint Louis City, Missouri 63115 as a member of the State Board of Mediation, for a term ending April 01, 2012 and until his successor is duly appointed and qualified; vice, RSMo 295.030.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nina N. Murphy, Democrat, 3447 Pestalozzi Street, Saint Louis City, Missouri 63118, as a member of the Missouri Community Service Commission, for a term ending December 15, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Diane M. Pepper, Democrat, 9909 North Revere Avenue, Kansas City, Platte County, Missouri 64154 as a member of the Platte County Election Board, for a term ending January 12, 2013 and until her successor is duly appointed and qualified; vice, Mary Burns, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Douglas L. Riggs, 553 Bambury Way, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2011, and until his successor is duly appointed and qualified; vice, Joann Noll, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Joel P. Rhodes, 2001 Yorktown, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the State Historical Records Advisory Board, for a term ending November 01, 2010, and until his successor is duly appointed and qualified; vice, Steve Gietschier, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gary D. Sharpe, Democrat, 700 Briarwood Court, Jefferson City, Cole County, Missouri 65109, as a member of the Coordinating Board

for Higher Education, for a term ending June 27, 2014, and until his successor is duly appointed and qualified; vice, Duane Schreimann, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Glenn Talboy, Jr., 3547 Penn Street, Saint Joseph, Buchanan County, Missouri 64507, as a member of the Drug Utilization Review Board, for a term ending October 15, 2011, and until his successor is duly appointed and qualified; vice, Sharad Parikh, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Theresa A. Valdes, 825 Cari Ann Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2010 and until her successor is duly appointed and qualified; vice, Theresa Valdes, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Petrice L. Welch, 3530 Kenwood Avenue, Kansas City, Jackson County, Missouri 64109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2012, and until her successor is duly appointed and qualified; vice, Shelley Shetley, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,



GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 25, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Karen Winn, 814 Primrose Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Administrative Hearing Commission, for a term ending March 16, 2016, and until her successor is duly appointed and qualified; vice, John Kopp, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 2001**—Appropriations.

**HCS for HB 2002**—Appropriations.

**HCS for HB 2003**—Appropriations.

**HCS for HB 2004**—Appropriations.

**HCS for HB 2005**—Appropriations.

**HCS for HB 2006**—Appropriations.

**HCS for HB 2007**—Appropriations.

**HCS for HB 2008**—Appropriations.

**HCS for HB 2009**—Appropriations.

**HCS for HB 2010**—Appropriations.

**HCS for HB 2011**—Appropriations.

**HCS for HB 2012**—Appropriations.

**HCS for HB 2013**—Appropriations.

**RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 2026, regarding Nancy Thompson, which was adopted.

Senator Crowell offered Senate Resolution No. 2027, regarding Alisha Turley, which was adopted.

Senator Crowell offered Senate Resolution No. 2028, regarding Christy Shinn, which was adopted.

Senator Crowell offered Senate Resolution No. 2029, regarding Shannon Heisserer, which was adopted.

Senator Crowell offered Senate Resolution No. 2030, regarding Tammy Ernstmeyer, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2031, regarding Throwing and Growing-The Myrle

Mensey Foundation, Saint Louis, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Keaveny introduced to the Senate, Stephanie Krauss, St. Louis.

Senator Justus introduced to the Senate, Chere Chaney, Kansas City.

Senator Schaefer introduced to the Senate, officials from Ukraine.

On motion of Senator Engler, the Senate adjourned under the rules.

### **SENATE CALENDAR**

---

FORTY-FOURTH DAY—TUESDAY, MARCH 30, 2010

---

### **FORMAL CALENDAR**

#### **HOUSE BILLS ON SECOND READING**

HCS for HB 2198  
HCS for HB 1207  
HB 1842-Wilson (130)  
HCS for HB 1446

HCS#2 for HBs 1692, 1209, 1405, 1499,  
1535 & 1811  
HCS for HJR 87

#### **THIRD READING OF SENATE BILLS**

SB 627-Justus (In Fiscal Oversight)  
SJR 20-Bartle (In Fiscal Oversight)  
SB 779-Bartle (In Fiscal Oversight)  
SS for SB 786-Rupp (In Fiscal Oversight)

SCS for SB 944-Shields (In Fiscal Oversight)  
SB 816-Lembke (In Fiscal Oversight)  
SB 894-Dempsey and Crowell  
(In Fiscal Oversight)

#### **SENATE BILLS FOR PERFECTION**

SB 819-Lembke  
SB 739-Lembke  
SB 999-Schaefer  
SB 1058-Shields  
SB 848-Barnitz

SB 1026-Rupp  
SB 705-Griesheimer  
SB 733-Pearce, with SCS  
SB 734-Pearce, with SCS

HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)

HCS for HB 2014, with SCS (Mayer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1001-Griesheimer

SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
SB 587-Nodler and Cunningham,  
with SCS & SA 1 (pending)  
SB 596-Callahan, with SCS (pending)  
SB 606-Stouffer  
SBs 607, 602, 615 & 725-Stouffer,  
with SCS & SA 1 (pending)  
SB 625-Justus and Keaveny, with SCS  
SB 698-Griesheimer, with SCS (pending)  
SB 714-Crowell  
SB 738-Crowell, with SCS  
SB 747-Rupp, et al, with SA 1 (pending)  
SB 784-Schaefer and Pearce  
SB 792-Dempsey and Rupp, with SS (pending)  
SB 793-Mayer, et al, with SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 797-Green  
SB 818-Lembke, with SCS (pending)  
SB 839-Wright-Jones, with SCS  
SB 852-Lager, et al, with SS,  
SA 1 & SSA 1 for SA 1 (pending)

SB 868-Shields  
SB 877-Keaveny  
SB 878-Lembke, with SCS (pending)  
SBs 880, 780 & 836-Schaefer, with SCS  
SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS (pending)  
SB 896-Shields and Crowell  
SB 905-Bray, et al, with SCS (pending)  
SBs 991 & 645-Scott, with SCS (pending)  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS,  
SS#2 for SCS and SA 5 (pending)  
SJR 29-Purgason and Cunningham,  
with SCS & SS for SCS (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1 (pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)

SCR 46-Stouffer  
HCR 38-Icet, et al, with SCA 1

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-FOURTH DAY—TUESDAY, MARCH 30, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Greet every person with a pleasant face. Receive every person in a cheerful manner.” (Ethics of the Fathers 1:15; 3:16)

Almighty God, You require us to be truly neighborly to all strangers and to greet them in a friendly open manner. We know that You require us to show such hospitality to all those who come to us seeking help and understanding. We know that the needs about us are many and we can only do so much but help us to do that much so Your love is communicated through us. All this we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of silence in memory of St. Louis Police Officer David Haynes.

### RESOLUTIONS

Senator Lager offered Senate Resolution No. 2032, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Rick Byers, Princeton, which was adopted.

Senator Lager offered Senate Resolution No. 2033, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Russell White, Plattsburg, which was adopted.

Senator Lager offered Senate Resolution No. 2034, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Brown, Ravenwood, which was adopted.

Senator Lager offered Senate Resolution No. 2035, regarding Richard Gregg Allnutt, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 2036, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Coats, Savannah, which was adopted.

Senator Crowell offered Senate Resolution No. 2037, regarding A. Tracy Lemonds, Cape Girardeau, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2111**, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the Missouri State Transit Assistance Program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1831**, entitled:

An Act to amend chapter 177, RSMo, by adding thereto one new section relating to real property donated to school districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1290**, entitled:

An Act to repeal section 55.030, RSMo, and to enact in lieu thereof one new section relating to county auditors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2159**, entitled:

An Act to repeal section 227.409, RSMo, and to enact in lieu thereof one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1941**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1664**, entitled:

An Act to repeal section 230.220, RSMo, and to enact in lieu thereof one new section relating to county highway commissions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1662**, entitled:

An Act to repeal sections 267.565 and 267.600, RSMo, and to enact in lieu thereof two new sections relating to diseased animals.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1580**, entitled:

An Act to repeal section 620.515, RSMo, and to enact in lieu thereof one new section relating to the hero at home program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1841**, entitled:

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the review of license examinations for life insurance producers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1904**, entitled:

An Act to repeal sections 376.717, 376.718, 376.724, 376.725, 376.732, 376.733, 376.734, 376.735, 376.737, 376.738, 376.740, 376.743, and 376.758, RSMo, and to enact in lieu thereof thirteen new sections relating to the Missouri life and health insurance guaranty association act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1970**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1943**, entitled:

An Act to repeal section 41.216, RSMo, and to enact in lieu thereof one new section relating to the Missouri military family relief fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1824**, entitled:

An Act to repeal sections 337.600, 337.603, 337.615, 337.618, and 337.643, RSMo, and to enact in lieu thereof five new sections relating to social workers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1705**, entitled:

An Act to repeal section 204.569, RSMo, and to enact in lieu thereof one new section relating to sewer subdistricts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1595**, entitled:

An Act to repeal section 349.010, RSMo, and to enact in lieu thereof one new section relating to projects by industrial development corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1541**, entitled:

An Act to repeal section 78.090, RSMo, and to enact in lieu thereof one new section relating to primary elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1424**, entitled:

An Act to repeal sections 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071, RSMo, and to enact in lieu thereof seventeen new sections relating to collection of taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1375**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to treatment of certain



sexually transmitted diseases.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1270**, entitled:

An Act to repeal sections 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, and 201.090, RSMo, and to enact in lieu thereof eight new sections relating to children's special health care needs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1643**, entitled:

An Act to repeal section 193.265, RSMo, and to enact in lieu thereof two new sections relating to recording fees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1707**, entitled:

An Act to repeal section 49.310, RSMo, and to enact in lieu thereof one new section relating to establishing jails outside of a county seat, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1802**, entitled:

An Act to repeal sections 407.500 and 407.505, RSMo, and to enact in lieu thereof two new sections relating to the purchase of rifles and shotguns.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1892**, entitled:

An Act to repeal section 294.045, RSMo, and to enact in lieu thereof one new section relating to work certificates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2161**, entitled:

An Act to repeal section 302.183, RSMo, and to enact in lieu thereof one new section relating to driver's license application information.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1330**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to memorial highway and bridge designations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1310**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway designation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1778**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of organ donor awareness day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1392**, entitled:

An Act to repeal section 67.110, RSMo, and to enact in lieu thereof one new section relating to ad valorem property tax rates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Rupp assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 928** and **SS** for **SB 984**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### SENATE BILLS FOR PERFECTION

Senator Lembke moved that **SB 819** be taken up for perfection, which motion prevailed.

Senator Lembke offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 819, Page 1, In the Title, Line 3, by inserting immediately after “patrol” the following: “, with an emergency clause”; and

Further amend said bill, page 2, section 41.1000, line 48, by inserting immediately after said line the following:

“Section B. Because of the need for members of the civil air patrol to assist with possible natural disasters, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lembke, **SB 819**, as amended, was declared perfected and ordered printed.

Senator Lembke moved that **SB 739** be taken up for perfection, which motion prevailed.

Senator Wright-Jones offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 739, Page 1, Section 320.097, Lines 6-18, by striking all of said lines and inserting in lieu thereof the following:

**“2. Each applicant for a full-time position with the fire department of the city of St. Louis must be able to prove eligibility to be legally employed in the United States and acquire his or her residence in the city of St. Louis within ninety days after the date of appointment. An employee of the fire department must maintain residency in the city of St. Louis for a total of seven years. Once the employee has achieved seven years of residency in the city of St. Louis, he or she shall no longer be required to maintain primary residency in the city. Employees who have satisfied the seven year**

**requirement and opt to move outside the city must reside within one-hour response time.”**; and further amend said section by renumbering the remaining subsection accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 739, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to public safety employee residency requirements.”; and

Further amend said bill and page, section A, line 2 by inserting after all of said line the following:

“84.570. 1. No person shall be appointed policeman or officer of police who shall have been convicted of any offense, the punishment of which may be confinement in the state penitentiary; nor shall any person be appointed who is not proven to be of good character, or who is not proven to be a bona fide citizen of the United States, or who cannot read and write the English language and who does not possess ordinary physical strength and courage, nor shall any person be originally appointed to said police force who is less than twenty-one years of age. Notwithstanding any other provision of law, the board shall have the sole authority to determine conditions of employment for police officers pursuant to section 84.460, **except that no police officer shall be required to reside within the city limits of said municipality, nor shall any officer or applicant be discriminated against based on his or her residency.**

2. The board shall from time to time require open competitive examinations or tests for determining the qualifications and fitness of all applicants for appointment to positions on the police force. Such examinations and tests shall be practical and shall relate to matters which fairly measure the relative fitness of the candidates to discharge the duties of the positions to which they seek to be appointed. Notice of such examinations and tests shall be given not less than ten days in advance thereof by public advertisement in at least one newspaper of general circulation in such city, and by posting notice in the police headquarters building. A list of those qualifying in such examinations shall be established, listing those qualified in order of rank. When an appointment is to be made, the appointment shall be made from such eligible list.

3. The board shall also establish rules for:

- (1) Temporary employment for not exceeding sixty days in the absence of any eligible list;
- (2) Hours of work of police employees and officers subject to the provisions of section 84.510; and
- (3) Attendance regulations and leaves of absence.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Lembke raised the point of order that **SA 2** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

On motion of Senator Lembke, **SB 739**, as amended, was declared perfected and ordered printed.

Senator Schaefer moved that **SB 999** be taken up for perfection, which motion prevailed.

At the request of Senator Schaefer, **SB 999** was placed on the Informal Calendar.

Senator Shields moved that **SB 1058** be taken up for perfection, which motion prevailed.

On motion of Senator Shields, **SB 1058** was declared perfected and ordered printed.

Senator Barnitz moved that **SB 848** be taken up for perfection, which motion prevailed.

Senator Bray offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 848, Page 2, Section 393.1030, Line 8, by striking the word “and”; and further amend line 9 by striking the words “in each calendar year beginning in 2021” and inserting in lieu thereof the following:

**“for calendar years 2021 through 2024; and**

**(5) No less than twenty percent in each calendar year beginning in 2025”.**

Senator Bray moved that the above amendment be adopted.

Senator Crowell requested a roll call vote be taken and was joined in his request by Senators Bray, Clemens, Lembke and Stouffer.

**SA 1** failed of adoption by the following vote:

#### YEAS—Senators

Bray	Days	Justus	McKenna	Wilson	Wright-Jones—6
------	------	--------	---------	--------	----------------

#### NAYS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey	Engler
Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel—27					

Absent—Senator Bartle—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Barnitz, **SB 848** was declared perfected and ordered printed.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

### RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 2038, regarding David William Otto, Florissant, which was adopted.

Senator Cunningham offered Senate Resolution No. 2039, regarding Keith Took, Florissant, which was adopted.

Senator Schaefer offered Senate Resolution No. 2040, regarding the 2010 NCAA wrestling champion Maxwell Askren, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 848**; **SB 1058**; **SB 739**; and **SB 819**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 51**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 52**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 54**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCRs 34** and **35**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

### **SENATE BILLS FOR PERFECTION**

Senator Scott moved that **SB 991** and **SB 645**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SBs 991** and **645** was again taken up.

Senator Stouffer offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bills Nos. 991 and 645, Page 43, Section 262.217, Lines 5-6, by striking the following: “or individuals active in the tourism industry”; and

Further amend said bill and section, Page 44, Line 19, by striking the opening “[” and closing “]” brackets from said line; and further amend line 20, by striking the word “may”.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 991 and 645, Page 97, Section 1, Line 3, by inserting at the end of said line the following: “**The department to which the board, commission, council, or committee is assigned, or the joint committee on legislative research, in the case of any joint committee of the general assembly, shall report to the revisor of statutes as to which boards, commissions, councils, committees, or joint committees are subject to this section. The provisions of this section shall not apply to the crime laboratory review commission established in section 650.059, the criminal nonsupport courts coordinating commission established in section 478.1000, the entrepreneurial development council established in section 620.050, and the professional services payment committee established in section 208.197.**”.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **SBs 991** and **645**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SBs 991** and **645**, as amended, was declared perfected and ordered printed.

## HOUSE BILLS ON THIRD READING

**HCS** for **HB 2014**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2010.

Was taken up by Senator Mayer.

**SCS** for **HCS** for **HB 2014**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2014

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2010.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 2014** be adopted.

Senator Lager offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2014, Page 1, Section 14.005, Line 4, By inserting immediately after the word “formula” the following: “provided that, notwithstanding the provisions of Section 163.031, RSMo, to the contrary, the Department of Elementary and Secondary Education shall modify the foundation formula phase-in percentages pursuant to Section 163.031.4(4) to accommodate the total amount of available appropriations in fiscal year 2010”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey offered **SA 2**, which was read:

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2014, Page 3, Section 14.080, Line 2, by inserting after the word “Patrol” the following: “and other state agencies”.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Mayer moved that **SCS** for **HCS** for **HB 2014**, as amended, be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 2014**, as amended, was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel	Wilson	Wright-Jones—32

**NAYS—Senators**

Bartle Shoemyer—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

Senator Justus moved that **SB 625**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 625**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 625**

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.  
Was taken up.



Senator Justus moved that **SCS** for **SB 625** be adopted.

Senator Justus offered **SS** for **SCS** for **SB 625**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 625

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

Senator Justus moved that **SS** for **SCS** for **SB 625** be adopted, which motion prevailed.

On motion of Senator Justus, **SS** for **SCS** for **SB 625** was declared perfected and ordered printed.

Senator Rupp moved that **SB 1026** be taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 1026** was declared perfected and ordered printed.

**SB 705** was placed on the Informal Calendar.

Senator Callahan assumed the Chair.

Senator Pearce moved that **SB 733**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 733**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 733

An Act to repeal section 173.250, RSMo, and to enact in lieu thereof one new section relating to the higher education academic scholarship program.

Was taken up.

Senator Pearce moved that **SCS** for **SB 733** be adopted.

Senator Cunningham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 733, Page 2, Section 173.250, Line 23, by inserting after the word “school” the following: “**or the virtual public school established in section 161.670,**”; and further amend line 24, by striking the word “or” and further amend line 25, by inserting after “homeschooling” the following: “**or any other program of academic instruction that satisfies the compulsory attendance requirement under section 167.031**”.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Pearce moved that **SCS** for **SB 733**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 733**, as amended, was declared perfected and ordered printed.

Senator Pearce moved that **SB 734**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 734**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 734

An Act to amend chapters 160 and 162, RSMo, by adding thereto three new sections relating to

elementary and secondary education.

Was taken up.

Senator Pearce moved that **SCS** for **SB 734** be adopted.

At the request of Senator Pearce, **SB 734**, with **SCS** (pending), was placed on the Informal Calendar.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 991** and **645**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1516**, entitled:

An Act to repeal sections 21.840, 57.080, 57.130, 71.970, 99.799, 143.171, 165.016, 165.018, 174.020, 192.632, 197.305, 197.318, 197.366, 208.344, 208.978, 211.013, 217.860, 303.400, 303.403, 303.406, 303.409, 303.412, 303.415, 307.367, 320.093, 329.028, 374.208, 376.990, and 620.515, RSMo, and to enact in lieu thereof eight new sections for the sole purpose of repealing expired, sunset, terminated, or ineffective provisions of law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1327** and **2000**, entitled:

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof seven new sections relating to safeguards for pregnant women seeking abortions, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REFERRALS**

President Pro Tem Shields referred **SS** for **SB 928** to the Committee on Governmental Accountability and Fiscal Oversight.

### **INTRODUCTIONS OF GUESTS**

Senator Lembke introduced to the Senate, Debbie Caldwell-Miller and her son, Hunter Caldwell, St. Louis; and Hunter was made an honorary page.

Senator Shoemyer introduced to the Senate, the Physician of the Day, Dr. Richard Draper, D.O.,

Hannibal.

Senator Keaveny introduced to the Senate, representatives of Mid America Retailers Joint Labor Management Committee, St. Louis.

Senator Clemens introduced to the Senate, his sister, Becky Greer, Edmond, Oklahoma; and her grandchildren, Jack and Emily, Columbia.

Senator Shields introduced to the Senate, Mackenzie Martin, Jefferson City.

Senator Green introduced to the Senate, Father Michael Houser and twenty students from Trinity Catholic High School, St. Louis.

Senator Schaefer introduced to the Senate, Andrea Baker, Ashland; and Andrea was made an honorary page.

Senator Lembke introduced to the Senate, representatives of Big Brothers Big Sisters Amachi Missouri.

Senator Justus introduced to the Senate, fourth grade students from St. Peter's School, Kansas City.

Senator Mayer introduced to the Senate, Deb Cook, Shirley Stephens, Myra Callahan and Jane Cook, Kennett.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

FORTY-FIFTH DAY—WEDNESDAY, MARCH 31, 2010

---

## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 2198

HCS for HB 1207

HB 1842-Wilson (130)

HCS for HB 1446

HCS#2 for HBs 1692, 1209, 1405, 1499, 1535  
& 1811

HCS for HJR 87

HB 2111-Faith, et al

HCS for HB 1831

HCS for HB 1290

HB 2159-Diehl

HB 1941-Parson

HB 1664-Wasson

HB 1662-Brown (149), et al

HCS for HB 1580

HCS for HB 1841

HB 1904-Wilson (130) & Hobbs

HCS for HB 1970

HCS for HB 1943

HB 1824-Sutherland

HB 1705-Molendorp & Scavuzzo

HB 1595-Dugger, et al

HCS for HB 1541

HB 1424-Franz

HCS for HB 1375  
HB 1270-Meiners  
HB 1643-Brown (50), et al  
HCS for HB 1707  
HB 1802-Gatschenberger  
HB 1892-Nasheed, et al  
HCS for HB 2161

HB 1330-Salva  
HCS for HB 1310  
HB 1778-Walton Gray, et al  
HB 1392-Kirkton, et al  
HCS for HB 1516  
HCS for HBs 1327 & 2000

### THIRD READING OF SENATE BILLS

- |  |  |
|--|--|
| 1. SB 627-Justus (In Fiscal Oversight)                 | 8. SS for SB 928-Lager (In Fiscal Oversight) |
| 2. SJR 20-Bartle (In Fiscal Oversight)                 | 9. SS for SB 984-Lembke                      |
| 3. SB 779-Bartle (In Fiscal Oversight)                 | 10. SB 848-Barnitz                           |
| 4. SS for SB 786-Rupp (In Fiscal Oversight)            | 11. SB 1058-Shields                          |
| 5. SCS for SB 944-Shields (In Fiscal Oversight)        | 12. SB 739-Lembke                            |
| 6. SB 816-Lembke (In Fiscal Oversight)                 | 13. SB 819-Lembke                            |
| 7. SB 894-Dempsey and Crowell<br>(In Fiscal Oversight) | 14. SCS for SBs 991 & 645-Scott              |

### HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SB 1001-Griesheimer

### SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
SB 587-Nodler and Cunningham, with SCS &  
SA 1 (pending)  
SB 596-Callahan, with SCS (pending)  
SB 606-Stouffer  
SBs 607, 602, 615 & 725-Stouffer, with  
SCS & SA 1 (pending)  
SB 698-Griesheimer, with SCS (pending)  
SB 705-Griesheimer

SB 714-Crowell  
SB 734-Pearce, with SCS (pending)  
SB 738-Crowell, with SCS  
SB 747-Rupp, et al, with SA 1 (pending)  
SB 784-Schaefer and Pearce  
SB 792-Dempsey and Rupp, with SS (pending)  
SB 793-Mayer, et al, with SCS, SA 1 & SA 1 to  
SA 1 (pending)  
SB 797-Green

SB 818-Lembke, with SCS (pending)  
 SB 839-Wright-Jones, with SCS  
 SB 852-Lager, et al, with SS, SA 1 & SSA 1 for  
   SA 1 (pending)  
 SB 868-Shields  
 SB 877-Keaveny  
 SB 878-Lembke, with SCS (pending)  
 SBs 880, 780 & 836-Schaefer, with SCS  
 SBs 895, 813, 911, 924, 922 &  
   802-Dempsey, et al, with SCS (pending)  
 SB 896-Shields and Crowell  
 SB 905-Bray, et al, with SCS (pending)

SB 999-Schaefer  
 SJR 22-Callahan  
 SJR 25-Cunningham, et al, with SCS, SS#2  
   for SCS & SA 5 (pending)  
 SJR 29-Purgason and Cunningham, with SCS  
   & SS for SCS (pending)  
 SJR 31-Scott  
 SJR 33-Bartle, with SA 1 (pending)  
 SJR 34-Goodman, et al, with SA 1 (pending)  
 SJR 38-Ridgeway  
 SJR 40-Goodman, with SA 1 (pending)

## RESOLUTIONS

### Reported from Committee

SCR 42-Bray, with SCA 1  
 HCS for HCR 18, with SA 1 (pending) (Rupp)  
 SCR 46-Stouffer  
 HCR 38-Icet, et al, with SCA 1 (Lembke)

SCR 51-Stouffer  
 SCR 52-Lager  
 SCR 54-Purgason  
 HCS for HCRs 34 & 35 (Schmitt)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-FIFTH DAY—WEDNESDAY, MARCH 31, 2010**

---

The Senate met pursuant to adjournment.

Senator Stouffer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Without the aid of tradition, neither the rational nor the scriptural laws can be completely fulfilled.” (Bahya)

Heavenly Father, we know that there have been periods of time when people have sought to throw out all traditions believing that they block our becoming all we can. Yet time has shown that traditions help us to have an understanding why we have done what we have and the outcome of our actions. Help us be mindful that tradition provides us with a firm foundation on which we can stand and build new and needed actions and helpful results for those who need them. Walk with us this day and provide us the wisdom we need. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 2041, regarding Harriet Seneker, Mt. Vernon, which was adopted.

Senator Vogel offered the following resolution:

**SENATE RESOLUTION NO. 2042**

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber and Hearing rooms for the purposes of its State Convention on November 11, 2010 through November 13, 2010 and December 2, 2010 through December 4, 2010.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2042** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2042** was adopted.

Senator Nodler offered Senate Resolution No. 2043, regarding James G. Woestman, Carthage, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2044, regarding the One Hundredth Birthday of Helen Prange, Shelbina, which was adopted.

Senator McKenna offered Senate Resolution No. 2045, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Glennon J. Hausler, St. Louis, which was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 625**; **SCS** for **SB 733**; and **SB 1026**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**SENATE BILLS FOR PERFECTION**

Senator Shields moved that **SB 896** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Green was recognized to inquire of Senator Shields.

The President instructed Senator Green not to turn his back to the Chair during the course of debate.

Senator Green raised the point of order that under the provisions of Senate Rule 76, he is not required to face the Chair during debate.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Green offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 896, Page 3, Section 104.1309, Line 11, by inserting after all of said line the following:

**“Section 1. Any decrease in the amount of the contribution required by the state to the retirement systems affected by sections 104.1300 to 104.1309 attributable to the establishment of a defined contribution plan by section 104.1303 shall be used by the office of administration to increase the pay of employees covered by the respective systems, and not for any other purpose.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

At the request of Senator Shields, **SB 896**, with **SA 1** (pending), was placed on the Informal Calendar.

**REFERRALS**

President Pro Tem Shields referred **SB 1026** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Kinder.

**SENATE BILLS FOR PERFECTION**

Senator Dempsey moved that **SB 895**, **SB 813**, **SB 911**, **SB 924**, **SB 922** and **SB 802**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SBs 895, 813, 911, 924, 922** and **802** was again taken up.

Senator Dempsey offered **SS** for **SCS** for **SBs 895, 813, 911, 924, 922** and **802**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 895, 813, 911, 924, 922 and 802**

An Act to repeal sections 99.805, 99.845, 135.535, 135.950, 135.967, 178.760, 178.762, 178.892, 178.894, 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof twenty-four new sections relating to tax incentives for job creation.

Senator Dempsey moved that **SS** for **SCS** for **SBs 895, 813, 911, 924, 922** and **802** be adopted.

Senator Rupp assumed the Chair.

Senator Dempsey offered **SA 1**:



## SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 895, 813, 911, 924, 922 and 802, Page 1, In the Title, Line 7, by inserting after “creation” the following: “, with an emergency clause”; and

Further amend said bill, page 42, section 99.845, line 4 of said page, by inserting after all of said line the following:

**“135.040. 1. As used in this section and section 135.041, the following terms shall mean:**

**(1) “Added value”, any business prospect which by activity or action develops a new product, application, or service which serves a new market that directly results from current business activities;**

**(2) “Affordable housing”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of creating, constructing, rehabilitating, or providing access to decent, safe and sanitary housing within the financial capability of the occupants;**

**(3) “Business development”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of stimulating job creation or retention, stimulating new private investment, creating added value, improving environmental efficiencies, or causing a unique activity or event that creates significant direct and measurable economic benefit to the state;**

**(4) “Community assistance”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of assisting in the creation or expansion of a service designed to meet a community or social need, either through physical improvements or increasing operating capacity;**

**(5) “Department”, the department of economic development;**

**(6) “Director”, the director of the department of economic development;**

**(7) “Financial and insurance institutions”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of expanding access to insurance, ensuring maintenance of insurance benefits in the event of insurer insolvency, offsetting the cost of market conduct and financial examination, incentivizing banks to locate their outstanding shares and surplus within the state, or offsetting the income tax liability on qualifying stocks held by an S-corporation shareholder;**

**(8) “Missouri business”, any business with a physical presence in this state, with employees who routinely perform job duties within this state;**

**(9) “Net general revenue collections”, all revenue deposited into the general revenue fund less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;**

**(10) “Public infrastructure”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of assisting in the construction or rehabilitation of facilities, utilities, transportation systems and related improvements for public use;**

**(11) “Qualified company”, a firm, partnership, joint venture, association, private or public**

corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of this section and 135.041, the term “qualified company” shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Retail trade establishments (NAICS sectors 44 and 45);

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company that has filed for or has publicly announced its intention to file for bankruptcy protection;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production; or

(k) Biodiesel production. Notwithstanding any provision of this section to the contrary, the headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied;

(12) “Redevelopment”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of rehabilitating real property for productive use;

(13) “Uniform discount rate”, a rate based upon the average predominant prime rate quoted by commercial banks to large businesses, as determined by the board of governors of the Federal Reserve System, increased by two percent.

2. Provisions of law to the contrary notwithstanding, no tax credits now or hereafter provided under any program by law, other than the senior citizens property tax credit created pursuant to sections 135.010 to 135.030 and the homestead preservation tax credit program created pursuant to section 137.106, shall be authorized for issuance after June 30, 2010, except in accordance with this section and with section 135.041. Nothing in this section or section 135.041 shall be construed to limit or in any way impair a recipient's ability to redeem tax credits or an administering agency's ability to issue tax credits that were authorized or approved prior to June 30, 2010.

3. For the fiscal year beginning on or after July 1, 2010, but ending on or before June 30, 2011, the aggregate amount of tax credits provided under this section and section 135.041 which may be authorized for issuance in such fiscal year shall not exceed three hundred and fourteen million

dollars. For each fiscal year beginning on or after July 1, 2011, the aggregate amount of tax credits which may be authorized for issuance in a fiscal year shall be adjusted by the percentage change in net general revenue collections for the preceding fiscal year over the second preceding fiscal year, as determined by the commissioner of administration. In the case of authorizations of tax credits which may be issued over a period of fiscal years for a single project or activity, the total amount of tax credits to be authorized in the aggregate over the entire term of fiscal years shall reduce the amount of tax credits available for authorization in the fiscal year in which the authorization is initially made, and the subsequent issuance of tax credits so authorized shall not be taken into account in subsequent fiscal years for purposes of determining compliance with statutory limitations on tax credit authorization.

4. For the fiscal year beginning on July 1, 2010, an amount equal to one hundred percent of the aggregate cap provided under subsection 3 of this section shall be allocated to the department for authorizations of tax credits provided under section 135.041. For all fiscal years beginning on or after July 1, 2011, an amount equal to eighty percent of the aggregate cap provided under subsection 3 of this section shall be allocated to the department for authorizations of tax credits provided under section 135.041.

5. For all fiscal years beginning on or after July 1, 2011, the general assembly may allocate to the department an amount not to exceed twenty percent of the aggregate cap established under subsection 3 of this section for authorizations of tax credits provided under section 135.041. The allocation provided under this subsection shall only be made in the annual appropriation bill relating to public debt and shall specify the percentage allocated to the department for that fiscal year.

6. By July 1, 2010, and the first day of July each year thereafter, the Missouri housing development commission shall prepare and submit to the department for approval a recommended plan for authorizing the tax credits allocated for the next fiscal year. The department shall consider the recommended plan in preparing the draft allocation plan. By no later than October 1, 2010, and the first day of October each year thereafter, the department shall prepare and publish for review and public comment a draft allocation plan setting forth the proposed allocation of tax credits for each of the tax credits provided under section 135.041 for the next fiscal year. The draft allocation plan shall provide for an allocation by the department:

(1) Equal to no less than five percent of the aggregate cap provided under subsection 3 of this section for authorizations of tax credits for community assistance under section 135.041;

(2) Equal to no less than four percent of the aggregate cap provided under subsection 3 of this section for authorizations of tax credits for financial and insurance institutions under section 135.041;

(3) Equal to no less than six percent of the aggregate cap provided under subsection 3 of this section for authorizations of tax credits for public infrastructure under section 135.041;

(4) To the commission equaling no less than ten percent of the aggregate cap provided under subsection 3 of this section for authorizations of tax credits for affordable housing under section 135.041;

(5) Equal to no less than twenty-five percent of the aggregate cap provided under subsection 3 of this section for authorizations of tax credits for redevelopment under section 135.041;

(6) Equal to no less than thirty percent of the aggregate cap provided under subsection 3 of this

section for authorizations of tax credits for business development under section 135.041.

For any fiscal year in which the general assembly makes an allocation under subsection 5 of this section, the department may allocate any portion of such toward authorizations of any tax credits provided under section 135.041.

7. The allocation plan shall include, at a minimum, the following information:

(1) Application deadlines for all tax credits provided under section 135.041, except for tax credits for business development;

(2) The evaluation criteria and definitions applicable to each tax credit provided under section 135.041;

(3) A requirement that a cost-benefit analysis of eligible projects or activities be conducted as a prerequisite to approval of any application for tax credits provided under section 135.041, except for business development tax credits;

(4) The methodology used to determine the economic impact and return on investment for each tax credit provided under section 135.041; and

(5) Any priorities established for the authorization of tax credits provided under section 135.041.

8. Following an opportunity for public comment on the draft allocation plan, but in no event later than January 1, 2011, and by the first day of January each year thereafter, the department shall approve and transmit the allocation plan, along with any public comments received thereon, to the budget committee of the house of representatives and the appropriations committee of the senate. The allocation plan shall govern the authorization of tax credits provided under section 135.041, except that the department shall adjust the allocation plan to reflect any amounts allocated by the general assembly under subsection 5 of this section by no later than the first day of July of each year in which such an allocation is made.

9. By no later than September 1, 2011, and the first day of September each year thereafter, the department shall present an annual report to the general assembly detailing the authorization of tax credits provided under section 135.041 during the prior fiscal year to the extent such information may otherwise be disclosed under state and federal law. The report shall include, but not be limited to:

(1) A list of applicants for each tax credit provided under section 135.041;

(2) A list of the aggregate amount of new jobs created which are directly attributable to tax credits authorized under the provisions of section 135.041;

(3) A statement of the aggregate amount of private investment directly attributable to tax credits authorized under the provisions of section 135.041;

(4) Document the estimated benefit for each authorized project or activity and the actual benefit realized upon completion of such project or activity;

(5) A list of other beneficiaries or outcomes directly attributable to tax credits authorized under the provisions of section 135.041.

135.041. 1. The department shall be the administering agency for all tax credits authorized under this section. The department may consult with other state agencies when evaluating applications for

tax credits under this section. Except as otherwise provided under this section and section 135.040, the decision to approve any application for tax credits provided under this section and the amount of any such credit to be authorized shall be made at the discretion of the director.

2. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a business development tax credit for issuance to qualified companies in an amount equal to the least amount necessary to accomplish the project or activity which achieves a positive net general revenue benefit to the state measured in a period not to exceed ten years. The department may increase the amount of any tax credit authorized under this subsection for issuance to an existing Missouri business by an amount not to exceed two percent of the tax credits authorized for each continuous five year period such employer has been a Missouri business, not to exceed a total increase of ten percent.

3. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a tax credit of up to thirty-five percent of eligible project costs incurred for an eligible project or activity for the purpose of redevelopment.

4. For all taxable years beginning on or after January 1, 2010, the department may, subject to the provisions of section 135.040, authorize a tax credit of up to fifty percent of the net present value of eligible project costs incurred for an eligible project or activity for the purpose of providing affordable housing. A uniform discount rate shall be included in the allocation plan approved by the department and applied by the Missouri housing development commission to all authorizations of tax credits for the purpose of providing affordable housing in that fiscal year.

5. For all taxable years beginning on or after January 1, 2010, the department may, subject to the provisions of section 135.040 authorize a tax credit of up to fifty percent of eligible project costs incurred for an eligible project or activity for the purpose of providing public infrastructure.

6. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a tax credit of up to fifty percent of eligible costs incurred for an eligible project or activity for the purpose of providing community assistance.

7. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a tax credit for the purpose of assisting financial and insurance institutions.

8. Tax credits provided under this section may be taken against the state taxes imposed pursuant to chapters 143, 147, 148, and 153, except for sections 143.191 to 143.265. No tax credit provided under this section may be carried back to any preceding tax years.

9. Prior to authorizing any tax credit under this section, the director shall enter into an agreement with an eligible applicant specifying, at a minimum, the public benefit, the eligible project or activity, the eligible costs, the amount of the tax credits to be authorized, the applicable term of authorization, applicable recapture provisions, any applicable local effort, any contractual conditions provided in section 620.017, and any other additional conditions the director may require. In the contract with an eligible applicant, the director may agree to any of the following with respect to any tax credit authorized under this section:

- (1) That the tax credit may be carried forward for a period not to exceed five years;

(2) That the tax credit may be transferred, sold or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of the tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department;

(3) That the tax credit may be refundable; provided, that in no event shall the department authorize refundable tax credits in an amount that exceeds:

(a) Ten percent of the aggregate cap provided under subsection 3 of section 135.040 during the fiscal year beginning on July 1, 2010;

(b) Fifteen percent of the aggregate cap provided under subsection 3 of section 135.040 for the fiscal year beginning on July 1, 2011;

(c) Twenty percent of the aggregate cap provided under subsection 3 of section 135.040 for the fiscal year beginning on July 1, 2012;

(d) Twenty-five percent of the aggregate cap provided under subsection 3 of section 135.040 for the fiscal year beginning on July 1, 2013;

(e) Thirty-five percent of the aggregate cap provided under subsection 3 of section 135.040 for the fiscal year beginning on July 1, 2014;

(f) Forty percent of the aggregate cap provided under subsection 3 of section 135.040 for the fiscal year beginning on July 1, 2015;

(g) Forty-five percent of the aggregate cap provided under subsection 3 of section 135.040 for the fiscal year beginning on July 1, 2016; or

(h) Fifty percent of the aggregate cap provided under subsection 3 of section 135.040 for each fiscal year beginning on or after July 1, 2017;

(4) That the tax credit may be based on a contribution or investment in an eligible project or activity;

(5) That the tax credits authorized may be issued over a period of years;

(6) That the tax credit may not be redeemed prior to a specified time or upon the occurrence of a specified event or condition;

(7) That the tax credit may be repaid upon the occurrence of a specified event or condition;

(8) That the tax credit may be evidenced by a certificate; or

(9) That the tax credit may include any other feature not otherwise prohibited by law.

9. Prior to authorization of any tax credit under this section, the department, as administering agency, shall conduct the verifications provided in section 135.815. The department may conduct any additional investigation not otherwise prohibited by law.

10. For any authorization of tax credits in excess of one million dollars for a single eligible applicant or eligible project or activity, the applicant shall provide to the department a certification of eligible activities or costs performed by a certified public accountant licensed under the provisions of chapter 326.

**11. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of this section and section 135.040. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and**

Further amend said bill, pages 42-48, section 135.535, by striking all of said section from bill; and

Further amend said bill, pages 48-57, section 135.950, by striking all of said section from the bill; and

Further amend said bill, pages 57-63, section 135.967, by striking all of said section from the bill; and

Further amend said bill, pages 106-115, section 620.1878, by striking all of said section from the bill; and

Further amend said bill, pages 115-134, section 620.1881, by striking all of said section from the bill; and

Further amend said bill, page 134, section 348.253, line 38 of said page, by inserting after all of said line the following:

“Section B. Because of the need to ensure adequate revenues for the fiscal year beginning July 1, 2010, the enactment of sections 135.040 and 135.041 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 135.040 and 135.041 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 895, 813, 911, 924, 922 and 802, Page 1, In the Title, Line 7, by inserting after “creation” the following: “with an emergency clause”; and

Further amend said bill, Page 42, Section 99.845, Line 4 of said page, by inserting after all of said line the following:

**“135.040. 1. As used in this section and section 135.041, the following terms shall mean:**

**(1) “Added value”, any business prospect which by activity or action develops a new product, application, or service which serves a new market that directly results from current business activities;**

**(2) “Affordable housing”, eligible projects or activities, including contributions to, or investments**

in, eligible projects or activities, having the purpose of creating, constructing, rehabilitating, or providing access to decent, safe and sanitary housing within the financial capability of the occupants;

(3) “Business development”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of stimulating job creation or retention, stimulating new private investment, creating added value, improving environmental efficiencies, or causing a unique activity or event that creates significant direct and measurable economic benefit to the state;

(4) “Community assistance”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of assisting in the creation or expansion of a service designed to meet a community or social need, either through physical improvements or increasing operating capacity;

(5) “Department”, the department of economic development;

(6) “Director”, the director of the department of economic development;

(7) “Financial and insurance institutions”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of expanding access to insurance, ensuring maintenance of insurance benefits in the event of insurer insolvency, offsetting the cost of market conduct and financial examination, incentivizing banks to locate their outstanding shares and surplus within the state, or offsetting the income tax liability on qualifying stocks held by an S-corporation shareholder;

(8) “Missouri business”, any business with a physical presence in this state, with employees who routinely perform job duties within this state;

(9) “Net general revenue collections”, all revenue deposited into the general revenue fund less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;

(10) “Public infrastructure”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of assisting in the construction or rehabilitation of facilities, utilities, transportation systems and related improvements for public use;

(11) “Qualified company”, a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of this section and 135.041, the term “qualified company” shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Retail trade establishments (NAICS sectors 44 and 45);

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;



**(f) Any company that has filed for or has publicly announced its intention to file for bankruptcy protection;**

**(g) Educational services (NAICS sector 61);**

**(h) Religious organizations (NAICS industry group 8131);**

**(i) Public administration (NAICS sector 92);**

**(j) Ethanol distillation or production; or**

**(k) Biodiesel production. Notwithstanding any provision of this section to the contrary, the headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied;**

**(12) “Redevelopment”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of rehabilitating real property for productive use;**

**(13) “Uniform discount rate”, a rate based upon the average predominant prime rate quoted by commercial banks to large businesses, as determined by the board of governors of the Federal Reserve System, increased by two percent.**

**2. Provisions of law to the contrary notwithstanding, no tax credits now or hereafter provided under any program by law, other than the senior citizens property tax credit created pursuant to sections 135.010 to 135.030 and the homestead preservation tax credit program created pursuant to section 137.106, shall be authorized for issuance after June 30, 2010, except in accordance with this section and with section 135.041. Nothing in this section or section 135.041 shall be construed to limit or in any way impair a recipient's ability to redeem tax credits or an administering agency's ability to issue tax credits that were authorized or approved prior to June 30, 2010.**

**3. For the fiscal year beginning on or after July 1, 2010, and ending on or before June 30, 2011, the aggregate amount of all tax credits provided under this section and section 135.041 which may be authorized for issuance in such fiscal year shall not exceed an amount equal to five percent of net general revenue collections for the fiscal year beginning on or after July 1, 2008, and ending on or before June 30, 2009. For all fiscal years beginning on or after July 1, 2011, the general assembly may allocate to the department an amount not to exceed three and one-half percent of net general revenues collections for the second preceding fiscal year to the year of allocation for authorizations of tax credits provided under section 135.041; provided that such allocation shall only be made in the annual appropriation bill relating to public debt and shall specify the percentage allocated to the department for that fiscal year.**

**4. For the fiscal year beginning on or after July 1, 2011, and each fiscal year thereafter, the aggregate amount of business development tax credits provided under section 135.041 which may be authorized for issuance shall be at least the greater of one and one-half percent of net general revenue collections for the second preceding fiscal year or one hundred million dollars.**

**5. By July 1, 2010, and the first day of July each year thereafter, the Missouri housing development commission shall prepare and submit to the department for approval a recommended**

plan for authorizing the tax credits allocated for the next fiscal year. The department shall consider the recommended plan in preparing the draft allocation plan. By no later than October 1, 2010, and the first day of October each year thereafter, the department shall prepare and publish for review and public comment a draft allocation plan setting forth the proposed allocation of tax credits for each of the tax credits provided under section 135.041 for the next fiscal year. The allocation plan shall include, at a minimum, the following information:

(1) Application deadlines for all tax credits provided under section 135.041, except for tax credits for business development tax;

(2) The evaluation criteria and definitions applicable to each tax credit provided under section 135.041;

(3) A requirement that a cost-benefit analysis of eligible projects or activities be conducted as a prerequisite to approval of any application for tax credits provided under section 135.041, except for business development tax credits;

(4) The methodology used to determine the economic impact and return on investment for each tax credit provided under section 135.041; and

(5) Any priorities established for the authorization of tax credits provided under section 135.041.

6. Following an opportunity for public comment on the draft allocation plan, but in no event later than January 1, 2011, and by the first day of January each year thereafter, the department shall approve and transmit the allocation plan, along with any public comments received thereon, to the budget committee of the house of representatives and the appropriations committee of the senate. The allocation plan shall govern the authorization of tax credits provided under section 135.041.

7. By no later than September 1, 2011, and the first day of September each year thereafter, the department shall present an annual report to the general assembly detailing the authorization of tax credits provided under section 135.041 during the prior fiscal year that to the extent such information may otherwise be disclosed under state and federal law. The report shall include, but not be limited to:

(1) A list of applicants for each tax credit provided under section 135.041;

(2) A list of the aggregate amount of new jobs created which are directly attributable to tax credits authorized under the provisions of section 135.041;

(3) A statement of the aggregate amount of private investment directly attributable to tax credits authorized under the provisions of section 135.041;

(4) Document the estimated benefit for each authorized project or activity and the actual benefit realized upon completion of such project or activity;

(5) A list of other beneficiaries or outcomes directly attributable to tax credits authorized under the provisions of section 135.041.

135.041. 1. The department shall be the administering agency for all tax credits authorized under this section. The department may consult with other state agencies when evaluating applications for tax credits under this section. Except as otherwise provided under this section and section 135.040, the decision to approve any application for tax credits provided under this section and the amount

of any such credit to be authorized shall be made at the discretion of the director.

2. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a business development tax credit for issuance to qualified companies in an amount equal to the least amount necessary to accomplish the project or activity which achieves a positive net general revenue benefit to the state measured in a period not to exceed ten years. The department may increase the amount of any tax credit authorized under this subsection for issuance to an existing Missouri business by an amount not to exceed two percent of the tax credits authorized for each continuous five year period such employer has been a Missouri business, not to exceed a total increase of ten percent.

3. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a tax credit of up to thirty-five percent of eligible project costs incurred for an eligible project or activity for the purpose of redevelopment.

4. For all taxable years beginning on or after January 1, 2010, the department may, subject to the provisions of section 135.040, authorize a tax credit of up to fifty percent of the net present value of eligible project costs incurred for an eligible project or activity for the purpose of providing affordable housing. A uniform discount rate shall be included in the allocation plan approved by the department and applied by the Missouri housing development commission to all authorizations of tax credits for the purpose of providing affordable housing in that fiscal year.

5. For all taxable years beginning on or after January 1, 2010, the department may, subject to the provisions of section 135.040, authorize a tax credit of up to fifty percent of eligible project costs incurred for an eligible project or activity for the purpose of providing public infrastructure.

6. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a tax credit of up to fifty percent of eligible costs incurred for an eligible project or activity for the purpose of providing community assistance.

7. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a tax credit for the purpose of assisting financial and insurance institutions.

8. Tax credits provided under this section may be taken against the state taxes imposed pursuant to chapters 143, 147, 148, and 153, except for sections 143.191 to 143.265. No tax credit provided under this section may be carried back to any preceding tax years.

9. Prior to authorizing any tax credit under this section, the director shall enter into an agreement with an eligible applicant specifying, at a minimum, the public benefit, the eligible project or activity, the eligible costs, the amount of the tax credits to be authorized, the applicable term of authorization, applicable recapture provisions, any applicable local effort, any contractual conditions provided in section 620.017, and any other additional conditions the director may require. In the contract with an eligible applicant, the director may agree to any of the following with respect to any tax credit authorized under this section:

(1) That the tax credit may be carried forward for a period not to exceed five years;

(2) That the tax credit may be transferred, sold or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of the tax credit transferred, and

the value received for the credit, as well as any other information reasonably requested by the department;

(3) That the tax credit may be refundable; provided, that in no event shall the department authorize refundable tax credits in an amount that exceeds:

(a) Ten percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 during the fiscal year beginning on July 1, 2010;

(b) Fifteen percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 for the fiscal year beginning on July 1, 2011;

(c) Twenty percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 for the fiscal year beginning on July 1, 2012;

(d) Twenty-five percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 for the fiscal year beginning on July 1, 2013;

(e) Thirty-five percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 for the fiscal year beginning on July 1, 2014;

(f) Forty percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 for the fiscal year beginning on July 1, 2015;

(g) Forty-five percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 for the fiscal year beginning on July 1, 2016;  
or

(h) Fifty percent of the amount of tax credits available for authorization for each fiscal year as provided under subsections 3 and 4 of section 135.040 for each fiscal year beginning on or after July 1, 2017;

(4) That the tax credit may be based on a contribution or investment in an eligible project or activity;

(5) That the tax credits authorized may be issued over a period of years;

(6) That the tax credit may not be redeemed prior to a specified time or upon the occurrence of a specified event or condition;

(7) That the tax credit may be repaid upon the occurrence of a specified event or condition;

(8) That the tax credit may be evidenced by a certificate; or

(9) That the tax credit may include any other feature not otherwise prohibited by law.

9. Prior to authorization of any tax credit under this section, the department, as administering agency, shall conduct the verifications provided in section 135.815. The department may conduct any additional investigation not otherwise prohibited by law.

10. For any authorization of tax credits in excess of one million dollars for a single eligible applicant or eligible project or activity, the applicant shall provide to the department a certification of eligible activities or costs performed by a certified public accountant licensed under the provisions of chapter 326.

**11. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of this section and section 135.040. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and**

Further amend said bill, pages 42-48, section 135.535, by striking all of said section from bill; and

Further amend said bill, pages 48-57, section 135.950, by striking all of said section from the bill; and

Further amend said bill, pages 57-63, section 135.967, by striking all of said section from the bill; and

Further amend said bill, pages 106-115, section 620.1878, by striking all of said section from the bill; and

Further amend said bill, pages 115-134, section 620.1881, by striking all of said section from the bill; and

Further amend said bill, page 134, Section 348.253, Line 38 of said page, by inserting after all of said line the following:

“Section B. Because of the need to ensure adequate revenues for the fiscal year beginning July 1, 2010, the enactment of sections 135.040 and 135.041 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 135.040 and 135.041 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above substitute amendment be adopted.

Senator Crowell offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 895, 813, 911, 924, 922 and 802, Page 5, Line 6 of the page, by striking the word “allocate” and inserting in lieu thereof the following: “**appropriate**”; and further amend line 8 of said page, by striking the word “allocation” and inserting in lieu thereof the following: “**appropriation**”; and further amend lines 10-12 of said page, by striking all of said lines and inserting in lieu thereof the following: “**provided that such appropriation shall specifically state the amount of funds to be appropriated to each of the tax credits funds provided under section 135.041.**”; and further amend lines 19-20 of said page, by striking the following: “and the first day of July each year thereafter”; and further amend line 25 of said page, by striking the following: “and the first day of October each year thereafter”; and

Further amend said amendment, page 6, lines 17-18 of said page, by striking the following: “and the first day of January each year thereafter”; and further amend line 23 of said page, by inserting immediately after “135.041” the following: **“for the fiscal year beginning on or after July 1, 2010 and ending on or before June 30, 2011”**; and

Further amend said amendment, page 8, line 7 of said page, by inserting at the end of said line the following: **“For all fiscal years beginning on or after July 1, 2011, the department shall not authorize an amount of tax credits provided under this section which is greater than the amount appropriated to the fund created in this subsection for such fiscal year.**

**(1) There is hereby created in the state treasury the “Business Development Tax Credit Fund”, which shall consist of money appropriated under section 135.040. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the authorization of tax credits under this subsection and section 135.040. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**(2) For all fiscal years beginning on or after July 1, 2011, any amounts appropriated for authorization of tax credits under this subsection for any fiscal year for which tax credits are not actually appropriated by the close of such fiscal year shall revert to the general revenue fund. Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subsection. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subsection to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subsection to the general revenue fund.”; and**

Further amend said amendment, page 8, line 12 of said page, by inserting at the end of said line the following: **“For all fiscal years beginning on or after July 1, 2011, the department shall not authorize an amount of tax credits provided under this section which is greater than the amount appropriated to the fund created in this subsection for such fiscal year.**

**(1) There is hereby created in the state treasury the “Redevelopment Tax Credit Fund”, which shall consist of money appropriated under section 135.040. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the authorization of tax credits under this subsection and section 135.040. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**(2) For all fiscal years beginning on or after July 1, 2011, any amounts appropriated for authorization of tax credits under this subsection for any fiscal year for which tax credits are not actually appropriated by the close of such fiscal year shall revert to the general revenue fund.**

Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subsection. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subsection to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subsection to the general revenue fund.”; and

Further amend said amendment, page 8, line 22 of said page, by inserting at the end of said line the following: “For all fiscal years beginning on or after July 1, 2011, the department shall not authorize an amount of tax credits provided under this section which is greater than the amount appropriated to the fund created in this subsection for such fiscal year.

(1) There is hereby created in the state treasury the “Affordable Housing Tax Credit Fund”, which shall consist of money appropriated under section 135.040. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the authorization of tax credits under this subsection and section 135.040. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(2) For all fiscal years beginning on or after July 1, 2011, any amounts appropriated for authorization of tax credits under this subsection for any fiscal year for which tax credits are not actually appropriated by the close of such fiscal year shall revert to the general revenue fund. Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subsection. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subsection to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subsection to the general revenue fund.”; and

Further amend said amendment, page 8, line 27 of said page, by inserting at the end of said line the following: “For all fiscal years beginning on or after July 1, 2011, the department shall not authorize an amount of tax credits provided under this section which is greater than the amount appropriated to the fund created in this subsection for such fiscal year.

(1) There is hereby created in the state treasury the “Public Infrastructure Tax Credit Fund”, which shall consist of money appropriated under section 135.040. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the authorization of tax credits under this subsection and section 135.040. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

**(2) For all fiscal years beginning on or after July 1, 2011, any amounts appropriated for authorization of tax credits under this subsection for any fiscal year for which tax credits are not actually appropriated by the close of such fiscal year shall revert to the general revenue fund. Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subsection. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subsection to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subsection to the general revenue fund.”; and**

Further amend said amendment, page 9, line 3 of said page, by inserting at the end of said line the following: **“For all fiscal years beginning on or after July 1, 2011, the department shall not authorize an amount of tax credits provided under this section which is greater than the amount appropriated to the fund created in this subsection for such fiscal year.**

**(1) There is hereby created in the state treasury the “Community Assistance Tax Credit Fund”, which shall consist of money appropriated under section 135.040. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the authorization of tax credits under this subsection and section 135.040. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**(2) For all fiscal years beginning on or after July 1, 2011, any amounts appropriated for authorization of tax credits under this subsection for any fiscal year for which tax credits are not actually appropriated by the close of such fiscal year shall revert to the general revenue fund. Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subsection. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subsection to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subsection to the general revenue fund.”; and**

Further amend said amendment, page 9, line 7 of said page, by inserting at the end of said line the following: **“For all fiscal years beginning on or after July 1, 2011, the department shall not authorize an amount of tax credits provided under this section which is greater than the amount appropriated to the fund created in this subsection for such fiscal year.**

**(1) There is hereby created in the state treasury the “Financial and Insurance Institutions Tax Credit Fund”, which shall consist of money appropriated under section 135.040. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used authorization of tax credits under this subsection and section 135.040. Any moneys remaining in the fund at the end of the**



biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(2) For all fiscal years beginning on or after July 1, 2011, any amounts appropriated for authorization of tax credits under this subsection for any fiscal year for which tax credits are not actually appropriated by the close of such fiscal year shall revert to the general revenue fund. Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subsection. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subsection to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subsection to the general revenue fund.”.

Senator Crowell moved that **SA 1** to **SSA 1** for **SA 1** be adopted.

At the request of Senator Dempsey, **SB 895**, **SB 813**, **SB 911**, **SB 924**, **SB 922** and **SB 802**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 1** to **SSA 1** for **SA 1** (pending), were placed on the Informal Calendar.

### CONCURRENT RESOLUTIONS

Senator Purgason moved that **SCR 54** be taken up for adoption, which motion prevailed.

Senator Dempsey assumed the Chair.

On motion of Senator Purgason, **SCR 54** was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Green—1

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

Senator Stouffer moved that **SCR 51** be taken up for adoption, which motion prevailed.

On motion of Senator Stouffer, **SCR 51** was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer

Schmitt          Scott          Shields          Shoemyer          Stouffer          Wilson          Wright-Jones—31

NAYS—Senators—None

Absent—Senators

Crowell          Green—2

Absent with leave—Senator Vogel—1

Vacancies—None

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1858**, entitled:

An Act to repeal section 640.240, RSMo, and to enact in lieu thereof one new section relating to the minority and underrepresented environmental literacy program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1868**, entitled:

An Act to repeal sections 37.320 and 109.250, RSMo, and to enact in lieu thereof two new sections relating to the state records commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1942**, entitled:

An Act to repeal section 190.309, RSMo, and to enact in lieu thereof one new section relating to emergency telephone board members in certain counties.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2056**, entitled:

An Act to repeal section 454.515, RSMo, and to enact in lieu thereof one new section relating to liens for failure to pay maintenance and support.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1609**, entitled:

An Act to repeal section 517.081, RSMo, and to enact in lieu thereof one new section relating to assignment of associate circuit judges.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1764**, entitled:

An Act to repeal section 375.1175, RSMo, and to enact in lieu thereof one new section relating to the liquidation of certain domestic insurance companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1977**, entitled:

An Act to repeal sections 190.060, 190.092, 190.133, 190.143, 190.196, 190.528, and 191.630, RSMo, and to enact in lieu thereof seven new sections relating to emergency medical technicians.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2109**, entitled:

An Act to repeal sections 644.036 and 644.054, RSMo, and to enact in lieu thereof two new sections relating to the Missouri clean water law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 2147** and **2261**, entitled:

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to the A+ schools program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2182**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to agritourism.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2205**, entitled:

An Act to repeal sections 354.442 and 376.1450, RSMo, and to enact in lieu thereof two new sections relating to documents and materials for health insurance enrollees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2226**, entitled:

An Act to repeal sections 337.700, 337.703, 337.706, 337.715, 337.718, 337.727, and 337.739, RSMo, and to enact in lieu thereof eight new sections relating to marital and family therapists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2231**, entitled:

An Act to repeal section 194.350, RSMo, and to enact in lieu thereof one new section relating to cremation of human remains.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2290**, entitled:

An Act to repeal section 208.010, RSMo, and to enact in lieu thereof one new section relating to public assistance benefits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2270**, entitled:

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to SAFE CARE providers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2285**, entitled:

An Act to authorize the conveyance of property owned by the state to the City of Maryville.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1990**, entitled:

An Act to repeal section 335.081, RSMo, and to enact in lieu thereof two new sections relating to nurses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1832**, entitled:

An Act to repeal section 337.528, RSMo, and to enact in lieu thereof one new section relating to professional counselors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2219**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto two new sections relating to the designation of certain holidays in Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**SENATE BILLS FOR PERFECTION**

Senator Bray moved that **SB 905**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 905** was again taken up.

Senator Bray offered **SS** for **SCS** for **SB 905**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 905**

An Act to repeal sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.678, 67.1303, 67.1545, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 144.049, 144.100, 144.526, 144.625, 144.655, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof forty-nine new sections relating to the implementation of the streamlined sales and use tax agreement, with an effective date.

Senator Bray moved that **SS** for **SCS** for **SB 905** be adopted.

At the request of Senator Bray, **SB 905**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Griesheimer moved that **SB 698**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 698** was again taken up.

Senator Griesheimer offered **SS** for **SCS** for **SB 698**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 698**

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to exchange access rates.

Senator Griesheimer moved that **SS** for **SCS** for **SB 698** be adopted.

Senator Griesheimer offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 698, Page 1, Section 392.605, Line 17 of said page, by inserting after “2010” the following: “, and the provisions of subsection 6 of section 392.361 and section 392.370 to the contrary notwithstanding, rural alternative local exchange telecommunications companies as defined in subsection 4 of this section”; and

Further amend said bill and section, Page 2, Line 28 of said page, by inserting after all of said line the following:

**“4. For purposes of this section, the term “rural alternative local exchange telecommunications company” shall be defined to include only those alternative local telecommunications companies that, as of December 31, 2009:**

(1) Possess a certificate of service authority to provide basic local telecommunications services issued by the commission;

(2) Have tariffs on file with and approved by the commission for the provision of basic local telecommunications services and exchange access services;

(3) Provide basic local telecommunications services and exchange access service to at least sixty percent of their local subscribers over distribution facilities connecting end user customers to the central office which are owned by the alternative local exchange telecommunications company. For purposes of this subsection, the ownership of distribution facilities connecting end user customers to the central office shall not include facilities that are leased, such as unbundled network elements, or resold from any other person or entity; and

(4) Have more than ninety percent of their total Missouri basic local telecommunications service customers located in counties of the third classification.”.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 698**, with SCS, SS for SCS and SA 1 (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2043**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to certificates of ownership for off-highway vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1654**, entitled:

An Act to repeal section 525.233, RSMo, and to enact in lieu thereof one new section relating to requiring the notice of garnishment and writ of sequestration to contain only the last four digits of the federal taxpayer identification number.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**HCS** for **HB 2198**—Commerce, Consumer Protection, Energy and the Environment.

**HCS** for **HB 1207**—Agriculture, Food Production and Outdoor Resources.

**HB 1842**—Financial and Governmental Organizations and Elections.

**HCS for HB 1446**—Commerce, Consumer Protection, Energy and the Environment.

**HCS No. 2 for HBs 1692, 1209, 1405, 1499, 1535 and 1811**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HJR 87**—Ways and Means.

**HB 2111**—Transportation.

**HCS for HB 1831**—Education.

**HCS for HB 1290**—Jobs, Economic Development and Local Government.

**HB 2159**—Transportation.

**HB 1941**—Transportation.

**HB 1664**—Transportation.

**HB 1662**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 1580**—Veterans' Affairs, Pensions and Urban Affairs.

**HCS for HB 1841**—Small Business, Insurance and Industry.

**HB 1904**—Small Business, Insurance and Industry.

**HCS for HB 1970**—Transportation.

**HCS for HB 1943**—Veterans' Affairs, Pensions and Urban Affairs.

**HB 1824**—Financial and Governmental Organizations and Elections.

**HB 1705**—Jobs, Economic Development and Local Government.

**HB 1595**—Jobs, Economic Development and Local Government.

**HCS for HB 1541**—Financial and Governmental Organizations and Elections.

**HB 1424**—Ways and Means.

**HCS for HB 1375**—Health, Mental Health, Seniors and Families.

**HB 1270**—Health, Mental Health, Seniors and Families.

**HB 1643**—Jobs, Economic Development and Local Government.

**HCS for HB 1707**—Jobs, Economic Development and Local Government.

**HB 1802**—General Laws.

**HB 1892**—Education.

**HCS for HB 2161**—General Laws.

**HB 1330**—Transportation.

**HCS for HB 1310**—Transportation.

**HB 1778**—Progress and Development.

**HB 1392**—Jobs, Economic Development and Local Government.

## **RESOLUTIONS**

Senator Shields offered Senate Resolution No. 2046, regarding The Children's Mercy Hospital, Kansas City, which was adopted.



**INTRODUCTIONS OF GUESTS**

Senator Vogel introduced to the Senate, Mark Rehagen and Kiefer Schmidt, Sam Fedorchalk, Ian Luebbert, Jonathan Niekamp, Andrew Granich, Nathan Jones and Matthew Rehagen, from St. Peter's School, Jefferson City; and Andrew and Matthew were made honorary pages.

On behalf of Senator Stouffer, the President introduced to the Senate, Jianying Wang, China.

Senator Engler introduced to the Senate, Youth of the Year nominees from the Boys and Girls Clubs of Missouri.

Senator Nodler introduced to the Senate, John Watson, Joplin and Gary Fursman, Springfield.

Senator Nodler introduced to the Senate, Morgan Fletcher, Youth of the Year finalist for Boys and Girls Clubs of Joplin.

Senator Schaefer introduced to the Senate, Monica Miller, Pamela Jones, Susan McClintic, Cindy Daniels, Julie Reese and Rod McHugh, Columbia.

Senator Schaefer introduced to the Senate, his wife, Stacia and their children, Max, Wolf and Lena, Columbia; and Max, Wolf and Lena were made honorary pages.

Senator Mayer introduced to the Senate, Cindy Burcham, Chris Rushin, and Maggie Thompson, representatives of Boys and Girls Clubs of Missouri; and Tiffany Jackson, Youth of the Year finalist, Poplar Bluff.

Senator Mayer introduced to the Senate, Michelle Jackson, Poplar Bluff; Allison Stobaugh, Julie Aycock, Amelia Porter and Sarah Ezell, New Madrid.

Senator Lembke introduced to the Senate, Ken and Maryanne Wallace, Affton; and Richard and Ruth Bailey, Webster Groves.

Senator Griesheimer introduced to the Senate, Anthony Kreutz, Union; and Dennis Lavalley, Wildwood.

Senator Mayer introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

On motion of Senator Engler, the Senate adjourned under the rules.

**SENATE CALENDAR**

---

FORTY-SIXTH DAY—THURSDAY, APRIL 1, 2010

---

**FORMAL CALENDAR****HOUSE BILLS ON SECOND READING**

HCS for HB 1516  
HCS for HBs 1327 & 2000  
HCS for HB 1858  
HB 1868-Scharnhorst

HB 1942-Parson  
HB 2056-Diehl  
HB 1609-Diehl  
HCS for HB 1764

HCS for HB 1977  
HB 2109-Ruzicka  
HCS for HBs 2147 & 2261  
HB 2182-Munzlinger and Smith (150)  
HB 2205-Burlison  
HB 2226-Wasson  
HCS for HB 2231  
HB 2290-Wasson

HB 2270-Cooper  
HB 2285-Thomson  
HB 1990-Wells, et al  
HB 1832-Wells, et al  
HCS for HB 2219  
HCS for HB 2043  
HB 1654-Zimmerman, et al

### THIRD READING OF SENATE BILLS

- |  |  |
|--|--|
| 1. SB 627-Justus (In Fiscal Oversight)                 | 9. SS for SB 984-Lembke                |
| 2. SJR 20-Bartle (In Fiscal Oversight)                 | 10. SB 848-Barnitz                     |
| 3. SB 779-Bartle (In Fiscal Oversight)                 | 11. SB 1058-Shields                    |
| 4. SS for SB 786-Rupp (In Fiscal Oversight)            | 12. SB 739-Lembke                      |
| 5. SCS for SB 944-Shields (In Fiscal Oversight)        | 13. SB 819-Lembke                      |
| 6. SB 816-Lembke (In Fiscal Oversight)                 | 14. SCS for SBs 991 & 645-Scott        |
| 7. SB 894-Dempsey and Crowell<br>(In Fiscal Oversight) | 15. SS for SCS for SB 625-Justus       |
| 8. SS for SB 928-Lager (In Fiscal Oversight)           | 16. SCS for SB 733-Pearce              |
|  | 17. SB 1026-Rupp (In Fiscal Oversight) |

### HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SB 1001-Griesheimer

### SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
SB 587-Nodler and Cunningham,  
with SCS & SA 1 (pending)  
SB 596-Callahan, with SCS (pending)  
SB 606-Stouffer  
SBs 607, 602, 615 & 725-Stouffer,  
with SCS & SA 1 (pending)  
SB 698-Griesheimer, with SCS,  
SS for SCS & SA 1 (pending)

SB 705-Griesheimer  
SB 714-Crowell  
SB 734-Pearce, with SCS (pending)  
SB 738-Crowell, with SCS  
SB 747-Rupp, et al, with SA 1 (pending)  
SB 784-Schaefer and Pearce  
SB 792-Dempsey and Rupp, with SS (pending)  
SB 793-Mayer, et al, with SCS,  
SA 1 & SA 1 to SA 1 (pending)

SB 797-Green  
 SB 818-Lembke, with SCS (pending)  
 SB 839-Wright-Jones, with SCS  
 SB 852-Lager, et al, with SS,  
     SA 1 & SSA 1 for SA 1 (pending)  
 SB 868-Shields  
 SB 877-Keaveny  
 SB 878-Lembke, with SCS (pending)  
 SBs 880, 780 & 836-Schaefer, with SCS  
 SBs 895, 813, 911, 924, 922 &  
     802-Dempsey, et al, with SCS,  
     SS for SCS, SA 1, SSA 1 for SA 1 &  
     SA 1 to SSA 1 for SA 1 (pending)  
 SB 896-Shields and Crowell, with SA 1  
     (pending)

SB 905-Bray, et al, with SCS & SS for SCS  
     (pending)  
 SB 999-Schaefer  
 SJR 22-Callahan  
 SJR 25-Cunningham, et al, with SCS,  
     SS#2 for SCS & SA 5 (pending)  
 SJR 29-Purgason and Cunningham,  
     with SCS & SS for SCS (pending)  
 SJR 31-Scott  
 SJR 33-Bartle, with SA 1 (pending)  
 SJR 34-Goodman, et al, with SA 1 (pending)  
 SJR 38-Ridgeway  
 SJR 40-Goodman, with SA 1 (pending)

## RESOLUTIONS

### Reported from Committee

SCR 42-Bray, with SCA 1  
 HCS for HCR 18, with SA 1 (pending) (Rupp)  
 SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)  
 SCR 52-Lager  
 HCS for HCRs 34 & 35 (Schmitt)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-SIXTH DAY—THURSDAY, APRIL 1, 2010**

---

The Senate met pursuant to adjournment.

Senator Stouffer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Rejoicing is clearly a spiritual command. To ignore it is disobedience.” (Charles Swindoll)

Author of Life, You are the giver of every good and perfect gift that we truly need. We clearly have reasons to rejoice and pray to see this weekend away from the Senate more than an extra day thrown in but a time that permits us to know and rejoice in the gift of Your love for each of us and the life beyond life You have in store for us. Grant each of us to understand and accept the promise of new life You provide us daily and its meaning so we might celebrate living without fear but trusting in You always. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Days offered Senate Resolution No. 2047, regarding Joseph Adams, University City, which was adopted.

Senator Days offered Senate Resolution No. 2048, regarding the Fifty-fourth Wedding Anniversary of Mr. and Mrs. Donald Robinson, St. Louis, which was adopted.

Senator Champion offered Senate Resolution No. 2049, regarding L. Raylene Appleby, Springfield, which was adopted.

**THIRD READING OF SENATE BILLS**

**SS for SB 984**, introduced by Senator Lembke, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 984

An Act to repeal sections 313.805 and 313.830, RSMo, and to enact in lieu thereof two new sections relating to prohibited acts on excursion gambling boats, with penalty provisions.

Was taken up.

On motion of Senator Lembke, **SS for SB 984** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Vogel	Wilson	Wright-Jones—29			

## NAYS—Senators

Goodman      Stouffer—2

## Absent—Senators

Bartle      Ridgeway—2

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 848**, introduced by Senator Barnitz, entitled:

An Act to repeal sections 393.1025 and 393.1030, RSMo, and to enact in lieu thereof two new sections relating to methane from agricultural operations.

Was taken up.

On motion of Senator Barnitz, **SB 848** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Barnitz, title to the bill was agreed to.

Senator Barnitz moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 1058**, introduced by Senator Shields, entitled:

An Act to repeal section 67.456, RSMo, and to enact in lieu thereof one new section relating to neighborhood improvement district bonds.

Was taken up.

On motion of Senator Shields, **SB 1058** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Barnitz	Purgason	Ridgeway—3
---------	----------	------------

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

**SB 739**, introduced by Senator Lembke, entitled:

An Act to repeal section 320.097, RSMo, and to enact in lieu thereof one new section relating to fire department employee residency requirements.

Was taken up.

On motion of Senator Lembke, **SB 739** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wright-Jones—28				

NAYS—Senators

Bray	Days	Keaveny	Ridgeway	Wilson—5
------	------	---------	----------	----------

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 819**, introduced by Senator Lembke, entitled:

An Act to repeal section 41.1000, RSMo, and to enact in lieu thereof one new section relating to leave for members of the civil air patrol, with an emergency clause.

Was taken up.

On motion of Senator Lembke, **SB 819** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle	Bray	Crowell	Mayer—4
--------	------	---------	---------

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Pearce
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—25

NAYS—Senators

Bartle	Bray	Crowell	Mayer	Nodler	Purgason	Ridgeway	Scott—8
--------	------	---------	-------	--------	----------	----------	---------

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SBs 991 and 645**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 991 and 645

An Act to repeal sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 162.1000, 162.1060, 166.203, 170.250, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 207.023, 208.175, 208.195, 208.275, 208.530, 208.533, 208.535, 208.792, 208.955, 210.496, 253.375, 260.370, 260.372, 260.705, 260.720, 260.725, 260.735, 262.217, 286.001, 286.005, 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205, 324.406, 324.475, 324.478, 324.481, 331.030, 331.070, 334.721, 344.060, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 622.055, 622.057, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, and to enact in lieu thereof ninety-two new sections relating to the sole purpose of repealing and revising certain state boards, councils, committees, and commissions.

Was taken up by Senator Scott.



On motion of Senator Scott, **SCS** for **SBs 991** and **645** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 625**, introduced by Senator Justus, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 625

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

Was taken up.

On motion of Senator Justus, **SS** for **SCS** for **SB 625** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lembke	Mayer	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Purgason—1

Absent—Senator Lager—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS for SB 733**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 733**

An Act to repeal section 173.250, RSMo, and to enact in lieu thereof one new section relating to the higher education academic scholarship program.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **SCS for SB 733** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

**NAYS—Senators—None**

**Absent—Senators—None**

**Absent with leave—Senator McKenna—1**

**Vacancies—None**

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Fred A. Bronstein, as a member of the Missouri Workforce Investment Board;

Also,

Larry D. Evert, as a member of the Missouri Genetic Advisory Committee;

Also,

Neva G. Thurston, as a member of the Mental Health Commission;

Also,

Julie Ballard, as a member of the Alzheimer's State Plan Task Force;

Also,

Kyle W. Drury, Republican, as a member of the Dam and Reservoir Safety Council;

Also,

Lynn M. Ewing, III, Democrat, as a member of the Missouri Southern State University Board of Governors;

Also,

John A. Joslyn, Republican, as a member of the Tourism Commission;

Also,

Vernetta Kaye Newsome, as a member of the Missouri Consolidated Health Care Plan Board of Trustees;

Also,

Nela E. Beetem, as a member of the Children's Trust Fund Board.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 810**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 826**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 808**, begs leave to report that it has considered the same and recommends that the Senate

Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 971**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 1017**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS No. 2** for **HB 1472**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1498**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 622**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HJR 86**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 894**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SB 786**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was

referred **SS** for **SB 928**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 976**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 884**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 815**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 943**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 631**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer assumed the Chair.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2114**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to prisoner of war and missing in action designations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1898**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the women's heart health program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 1516**—General Laws.

**HCS for HBs 1327 and 2000**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1858**—Education.

**HB 1868**—Financial and Governmental Organizations and Elections.

**HB 1942**—Jobs, Economic Development and Local Government.

**HB 2056**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1609**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1764**—Small Business, Insurance and Industry.

**HCS for HB 1977**—Health, Mental Health, Seniors and Families.

**HB 2109**—Agriculture, Food Production and Outdoor Resources.

**HCS for HBs 2147 and 2261**—Education.

**HB 2182**—Agriculture, Food Production and Outdoor Resources.

**HB 2205**—Small Business, Insurance and Industry.

**HB 2226**—Financial and Governmental Organizations and Elections.

**HCS for HB 2231**—General Laws.

**HB 2290**—Small Business, Insurance and Industry.

**HB 2270**—Health, Mental Health, Seniors and Families.

**HB 2285**—General Laws.

**HB 1990**—Financial and Governmental Organizations and Elections.

**HB 1832**—Financial and Governmental Organizations and Elections.

**HCS for HB 2219**—Progress and Development.

**HCS for HB 2043**—Transportation.

**HB 1654**—Judiciary and Civil and Criminal Jurisprudence.

### **INTRODUCTIONS OF GUESTS**

Senator Schmitt introduced to the Senate, Colleen, Matt, Ben and Lily Kinnison, Creve Coeur; and Matt, Ben and Lily were made honorary pages.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Dan Hoernschemeyer, M.D., Columbia.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Tuesday, April 6, 2010.

## SENATE CALENDAR

FORTY-SEVENTH DAY—TUESDAY, APRIL 6, 2010

## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HB 2114-Hoskins, et al

HCS for HB 1898

## THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)

SJR 20-Bartle (In Fiscal Oversight)

SB 779-Bartle (In Fiscal Oversight)

SS for SB 786-Rupp

SCS for SB 944-Shields (In Fiscal Oversight)

SB 816-Lembke (In Fiscal Oversight)

SB 894-Dempsey and Crowell

SS for SB 928-Lager

SB 1026-Rupp (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

1. SB 810-Lager, with SCS

2. SB 826-Griesheimer, with SCS

3. SB 808-Callahan, with SCS

4. SB 971-Lembke

5. SB 1017-Mayer, with SCS

6. SB 622-Shoemyer, with SCS

7. SB 976-Rupp

8. SB 884-Schaefer, with SCS

9. SB 815-Bartle, with SCS

10. SB 943-Shields

11. SB 631-Cunningham, with SCS

## HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)

HCS#2 for HB 1472 (Schaefer)

HCS for HB 1498

HCS for HJR 86, with SCS (Stouffer)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SB 1001-Griesheimer

SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SB 868-Shields
SB 587-Nodler and Cunningham, with SCS & SA 1 (pending)	SB 877-Keaveny
SB 596-Callahan, with SCS (pending)	SB 878-Lembke, with SCS (pending)
SB 606-Stouffer	SBs 880, 780 & 836-Schaefer, with SCS
SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)	SBs 895, 813, 911, 924, 922 & 802-Dempsey, et al, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)
SB 698-Griesheimer, with SCS, SS for SCS & SA 1 (pending)	SB 896-Shields and Crowell, with SA 1 (pending)
SB 705-Griesheimer	SB 905-Bray, et al, with SCS & SS for SCS (pending)
SB 714-Crowell	SB 999-Schaefer
SB 734-Pearce, with SCS (pending)	SJR 22-Callahan
SB 738-Crowell, with SCS	SJR 25-Cunningham, et al, with SCS, SS#2 for SCS & SA 5 (pending)
SB 747-Rupp, et al, with SA 1 (pending)	SJR 29-Purgason and Cunningham, with SCS & SS for SCS (pending)
SB 784-Schaefer and Pearce	SJR 31-Scott
SB 792-Dempsey and Rupp, with SS (pending)	SJR 33-Bartle, with SA 1 (pending)
SB 793-Mayer, et al, with SCS, SA 1 & SA 1 to SA 1 (pending)	SJR 34-Goodman, et al, with SA 1 (pending)
SB 797-Green	SJR 38-Ridgeway
SB 818-Lembke, with SCS (pending)	SJR 40-Goodman, with SA 1 (pending)
SB 839-Wright-Jones, with SCS	
SB 852-Lager, et al, with SS, SA 1 & SSA 1 for SA 1 (pending)	

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1	HCR 38-Icet, et al, with SCA 1 (Lembke)
HCS for HCR 18, with SA 1 (pending) (Rupp)	SCR 52-Lager
SCR 46-Stouffer	HCS for HCRs 34 & 35 (Schmitt)

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-SEVENTH DAY—TUESDAY, APRIL 6, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord is in his holy temple; let all the earth keep silent before him.” (Habakkuk)

Gracious God, it was a beautiful day to delight in Your creation and celebrate the gift of new life. May we take time each day this week to be silent before You and listen to Your voice. May we speak boldly in our living as Your servants here in the senate. And in this stressful time may silence in You calm our hearts and minds so we might do what must be done. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 1, 2010 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2050, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Don Owen, Cape Girardeau, which was adopted.

Senator Clemens offered Senate Resolution No. 2051, regarding John Thompson, Marshfield, which was adopted.

Senator Purgason offered Senate Resolution No. 2052, regarding the Ninetieth Birthday of Winifred Uhlmann Gentry, West Plains, which was adopted.

Senator Crowell offered Senate Resolution No. 2053, regarding Marcia Ritter, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2054, regarding Charles J. Herbst, III, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2055, regarding the Honorable Jay Knudtson, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2056, regarding William P. Wingerter, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 2057, regarding Carol Ochs, Perryville, which was adopted.

Senator Shields offered Senate Resolution No. 2058, regarding the American Heart Association, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2059, regarding Larry Goodroad, Clay County, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2060, regarding Dale Gerard Sluhan, Santa Fe, which was adopted.

### **THIRD READING OF SENATE BILLS**

**SS for SB 786**, introduced by Senator Rupp, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 786**

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to requiring health benefit plans to provide orally administered anticancer medications on a basis no less favorable than intravenously administered anticancer medications.

Was taken up.

On motion of Senator Rupp, **SS for SB 786** was read the 3rd time and passed by the following vote:

#### **YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

#### **NAYS—Senators—None**

Absent—Senator Wright-Jones—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 894**, introduced by Senators Dempsey and Crowell, entitled:

An Act to repeal section 103.089, RSMo, and to enact in lieu thereof one new section relating to health coverage benefits to Medicare eligible participants in the state employee health insurance program.

Was taken up by Senator Dempsey.

On motion of Senator Dempsey, **SB 894** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Nodler	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Green	Mayer	Pearce—3
-------	-------	----------

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Stouffer assumed the Chair.

**SS for SB 928**, introduced by Senator Lager, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 928

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof two new sections relating to the sales tax treatment of sales for resale, with an emergency clause.

Was taken up.

On motion of Senator Lager, **SS** for **SB 928** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Nodler	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Mayer Pearce—2

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Nodler	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Mayer Pearce—2

Absent with leave—Senator McKenna—1

Vacancies—None

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

At the request of Senator Lager, **SB 810**, with **SCS**, was placed on the Informal Calendar.

Senator Griesheimer moved that **SB 826**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 826**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 826

An Act to repeal sections 115.305, 115.342, 115.346, 321.130, 321.552, and 321.711, RSMo, and to enact in lieu thereof six new sections relating to the imposition of a sales tax by ambulance and fire protection districts in certain counties.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 826** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 826** was declared perfected and ordered printed.

Senator Callahan moved that **SB 808**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 808**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 808

An Act to repeal sections 473.739 and 473.742, RSMo, and to enact in lieu thereof two new sections relating to public administrators.

Was taken up.

Senator Callahan moved that **SCS** for **SB 808** be adopted, which motion prevailed.

On motion of Senator Callahan, **SCS** for **SB 808** was declared perfected and ordered printed.

Senator Lembke moved that **SB 971** be taken up for perfection, which motion prevailed.

On motion of Senator Lembke, **SB 971** was declared perfected and ordered printed.

Senator Mayer moved that **SB 1017**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 1017**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1017

An Act to repeal sections 198.439, 208.437, 208.453, 338.550, 633.401, and 633.410, RSMo, and to enact in lieu thereof six new sections relating to certain provider taxes, with expiration dates.

Was taken up.

Senator Mayer moved that **SCS** for **SB 1017** be adopted.

At the request of Senator Mayer, **SB 1017**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Shoemyer moved that **SB 622**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 622**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 622

An Act to repeal sections 196.316, 281.260, and 311.550, RSMo, and to enact in lieu thereof four new sections relating to fee funding for programs administered by the department of agriculture, with penalty provisions.

Was taken up.

Senator Shoemyer moved that **SCS** for **SB 622** be adopted, which motion prevailed.

On motion of Senator Shoemyer, **SCS** for **SB 622** was declared perfected and ordered printed.

Senator Rupp moved that **SB 976** be taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 976** was declared perfected and ordered printed.

Senator Schaefer moved that **SB 884**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 884**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 884

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

Was taken up.

Senator Schaefer moved that **SCS** for **SB 884** be adopted.

Senator Schaefer offered **SS** for **SCS** for **SB 884**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 884

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

Senator Schaefer moved that **SS** for **SCS** for **SB 884** be adopted.

Senator Ridgeway offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 884, Page 10, Section 196.1032, Line 22, by striking the words “that have been” and inserting in lieu thereof the following: “**deemed by a court of competent jurisdiction to have been**”; and further amend line 24 by striking the word “deemed”; and

Further amend said bill and section, page 11, line 4 by inserting immediately after the word “any” the following: “**successful**”; and further amend line 5 by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and page, section 196.1035, lines 19-20 by striking the words “under chapter 621” and inserting in lieu thereof the following: “**by a court of competent jurisdiction**”.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SS** for **SCS** for **SB 884**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SCS** for **SB 884**, as amended, was declared perfected and ordered printed.

Senator Bartle moved that **SB 815**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 815**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 815

An Act to amend chapter 171, RSMo, by adding thereto two new sections relating to elementary and secondary education.

Was taken up.

Senator Bartle moved that **SCS for SB 815** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 815, Page 1, Section A, Line 2, by inserting after all of said line the following:

“160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;
- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;
- (4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards;
- (5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school; and
- (6) A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements.

2. Proposed charters shall be subject to the following requirements:

(1) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision of approval or denial shall be made within ninety days of the filing of the proposed charter;

(2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;

(3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, that the applicant is sufficiently qualified to operate the charter school, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

(4) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, is eligible for free or reduced-price school lunch, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, the charter application shall be submitted to the state board of education, along with a statement of finding that the application meets the requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan under which the charter sponsor will evaluate the academic performance of students enrolled in the charter school. The state board of education may, within sixty days, disapprove the granting of the charter. The state board of education may disapprove a charter on grounds that the application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

- (1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;
- (2) Comply with laws and regulations of the state, county, or city relating to health, safety, and state



minimum educational standards, as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518, transmittal of school records under section 167.020, RSMo, and the minimum number of school days and hours required under section 160.041;

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, publish audit reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual financial report may be published on the department of elementary and secondary education's Internet web site in addition to other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) (a) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, which shall also include a statement that background checks have been completed on the charter school's board members, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed high risk or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a high risk or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this [paragraph] **subdivision** shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or disapproval by the sponsor, specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

**6. (1) Proposed or existing high risk or alternative charter schools may include alternative arrangements for students to obtain credit for satisfying graduation requirements in the school's charter application and charter. Alternative arrangements may include, but not be limited to, credit for off-campus instruction, embedded credit, work experience through a paid or unpaid internship arranged through the school, and independent studies. When the state board of education approves the charter, any such alternative arrangements shall be approved at such time.**

**(2) The department of elementary and secondary education shall conduct a study of any charter school granted alternative arrangements for students to obtain credit under this subsection after three years of operation to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education.**

**7.** The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency for the sole purpose of seeking direct access to federal grants. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.

[7.] **8. (1)** A sponsor shall revoke a charter or take other appropriate remedial action, which may include placing the charter school on probationary status, at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of written notice requesting such information, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, which may require a change of methodology, a change in leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the governing board of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's governing board may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

[8.] **9.** A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely manner to its sponsor.

[9.] **10.** A school district may enter into a lease with a charter school for physical facilities.

[10.] **11.** A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

[11.] **12.** Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756, RSMo.

[12.] **13.** Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035, RSMo.

[13.] **14.** The chief financial officer of a charter school shall maintain:

(1) A surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the

school; or

(2) An insurance policy issued by an insurance company licensed to do business in Missouri on all employees in the amount of five hundred thousand dollars or more that provides coverage in the event of employee theft.

160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program; [and]

**(3) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil who is considered high risk or a dropout who resides in a residential care facility, a transitional living group home, or an independent living program and whose last school of enrollment is in the school district where the charter school is established, who submits a timely application; and**

**(4)** In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; [and]

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; **and**

**(3) A charter school whose mission includes student drop-out prevention or recovery as described in subdivision (3) of subsection 1 of this section shall give preference for admission to resident pupils over nonresident pupils.**

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. **A charter school may give a preference for admission to high-risk students and dropouts, as defined in subdivision (4) of subsection 2 of section 160.405.**

4. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with an equivalent group of district students representing an equivalent demographic and geographic population and a study of the impact of charter schools upon the constituents they serve in the districts in which they are located, to be conducted by the joint committee on education. The charter school study shall include analysis of the administrative and instructional practices of each charter school and shall include findings on innovative programs that illustrate best

practices and lend themselves to replication or incorporation in other schools. The joint committee on education shall coordinate with individuals representing charter [public] schools and the districts in which charter schools are located in conducting the study. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and an equivalent group of district students representing an equivalent demographic and geographic population. The student performance assessment and comparison shall include, but may not be limited to:

- (1) Missouri assessment program test performance and aggregate growth over several years;
- (2) Student reenrollment rates;
- (3) Educator, parent, and student satisfaction data;
- (4) Graduation rates in secondary programs; and

(5) Performance of students enrolled in the same public school for three or more consecutive years. The impact study shall be undertaken every two years to determine the impact of charter schools on the constituents they serve in the districts where charter schools are operated. The impact study shall include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

5. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

- (1) The school's charter;
- (2) The school's most recent annual report card published according to section 160.522; and

(3) The results of background checks on the charter school's board members. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026, RSMo, for furnishing copies of documents under this subsection.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

At the request of Senator Bartle, **SB 815**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2317**, entitled:

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1848**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the urban farming task force.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1640**, entitled:

An Act to repeal section 66.010, RSMo, and to enact in lieu thereof one new section relating to county court municipal judges, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1894**, entitled:

An Act to repeal section 630.220, RSMo, and to enact in lieu thereof one new section relating to collection of payment for certain mental health services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2294**, entitled:

An Act to repeal section 115.241, RSMo, relating to political party emblems on ballots.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1747**, entitled:

An Act to amend chapter 265, RSMo, by adding thereto eighteen new sections relating to animal agriculture, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1372**, entitled:

An Act to repeal sections 190.308 and 392.460, RSMo, and to enact in lieu thereof two new sections relating to telecommunications, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1965**, entitled:

An Act to repeal sections 8.190, 21.811, 21.840, 28.085, 30.220, 31.010, 33.065, 33.285, 33.571, 33.577, 34.065, 34.110, 34.130, 37.005, 42.121, 57.080, 57.130, 60.461, 67.2677, 71.240, 71.730, 71.750, 71.970, 94.030, 94.210, 95.365, 96.300, 96.310, 96.320, 96.330, 96.340, 96.350, 96.360, 96.370, 96.380, 99.799, 99.918, 99.1082, 105.140, 105.983, 115.177, 135.205, 135.207, 135.230, 135.431, 135.433, 135.530, 135.903, 135.953, 137.118, 137.286, 142.800, 142.815, 142.821, 143.171, 152.032, 165.016, 165.018, 170.250, 172.860, 173.005, 173.710, 173.715, 173.718, 173.721, 174.020, 174.266, 178.637, 178.930, 191.362, 192.010, 192.120, 192.255, 192.375, 195.060, 195.400, 195.405, 195.410, 195.415, 195.425, 196.180, 196.725, 196.730, 196.750, 196.755, 196.760, 196.765, 196.770, 196.775, 196.780, 196.785, 196.790, 196.795, 196.800, 196.805, 196.810, 197.305, 197.314, 197.317, 197.318, 197.366, 198.058, 198.087, 198.600, 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, 201.090, 207.023, 207.040, 207.050, 207.055, 208.344, 208.978, 210.002, 210.111, 210.292, 211.013, 211.015, 215.050, 215.263, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 217.860, 221.140, 237.200, 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010, 278.020, 278.030, 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 307.176, 307.367, 311.470, 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070, 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671, 376.990, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225, 454.010, 454.020, 454.030, 454.040, 454.050, 454.060, 454.070, 454.080, 454.090, 454.100, 454.105, 454.110, 454.120, 454.130, 454.140, 454.150, 454.160, 454.170, 454.180, 454.190, 454.200, 454.210, 454.220, 454.230, 454.240, 454.250, 454.260, 454.270, 454.275, 454.280, 454.290, 454.300, 454.310, 454.320, 454.330, 454.340, 454.350, 454.355, 454.360, 454.800, 454.802, 454.804, 454.806, 460.100, 460.250, 488.5345, 490.610, 537.675, 537.684, 620.010, 620.155, 620.156, 620.157, 620.158, 620.160, 620.161, 620.163, 620.164, 620.165, 620.170, 620.173, 620.174, 620.176, 620.515, 620.1023, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 644.054, 644.550, 644.551, and 660.018, RSMo, and section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof fifty-four new sections for the sole purposes of repealing expired, sunset, terminated, ineffective, or obsolete statutes, with penalty provisions and a contingent effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1806**, entitled:

An Act to repeal section 48.020, RSMo, and to enact in lieu thereof one new section relating to county classification, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1893**, entitled:

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof three new sections relating to the distribution and use of gaming funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2220**, entitled:

An Act to repeal section 115.091, RSMo, and to enact in lieu thereof one new section relating to the oath of an election judge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2297**, entitled:

An Act to amend chapter 184, RSMo, by adding thereto five new sections relating to the establishment of the Kansas City zoological district.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** as amended for **HCS** for **HB 2014** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon and the conferees be allowed to exceed the differences in Section 14.005.



**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 31, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Lori A. Bruce, 709 Luper Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2012, and until her successor is duly appointed and qualified; vice, Cynthia Heischmidt, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 31, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Edna L. Chavis, Democrat, 2223 Merlin Drive, Jefferson City, Cole County, Missouri 65101, as a member of the State Board of Senior Services, for a term ending August 30, 2012, and until her successor is duly appointed and qualified; vice, Lisa Conrad, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 31, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronald Dirck Clark, Republican, 14306 Riverview Drive, Savannah, Andrew County, Missouri 64485, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2015, and until his successor is duly appointed and qualified; vice, reappointed to a full .

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 31, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Irene Coco-Bell, 1331 B Northeast 39<sup>th</sup> Street, Kansas City, Clay County, Missouri 64116, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2012, and until her successor is duly appointed and qualified; vice, Charlotte York, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 31, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Melodee Colbert-Kean, Democrat, 527 North Moffet Avenue, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Women's Council, for a term ending December 6, 2011, and until her successor is duly appointed and qualified; vice, Teresa Gray, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 31, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Vicki McCarrell, 6879 Highway 135, Pilot Grove, Cooper County, Missouri 65276, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2011 and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 31, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Philip Gary Pettett, 5730 Northwest Woodland Pointe, Parkville, Platte County, Missouri 64152, as a member of the Missouri Genetic

Advisory Committee, for a term ending April 9, 2012, and until his successor is duly appointed and qualified; vice, Jun Oizumi, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 31, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tamara Thielemier, 221 Little Creek Court, Jefferson City, Cole County, Missouri 65109, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2013, and until her successor is duly appointed and qualified; vice reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

**INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, Dave Murphy, Jefferson City; Jacob Swafford, Columbia; Turner Oliver, Macon County; and Jim Jacobi, St. Charles County, Conservation Federation of Missouri Leadership Corps.

Senator Rupp introduced to the Senate, Jennifer Meyer and her son Ted, O'Fallon; and Ted was made an honorary page.

Senator Nodler introduced to the Senate, Duane Miche, Haiti; Grace Nichols, St. Charles; and Rudy Farber, Neosho.

Senator Griesheimer introduced to the Senate, Clayton Arnold, Wright City; and Clayton was made an honorary page.

Senator Callahan introduced to the Senate, Mason and Joshua Hart; and Mason and Joshua were made honorary pages.

On motion of Senator Engler, the Senate adjourned under the rules.

**SENATE CALENDAR**

---

FORTY-EIGHTH DAY—WEDNESDAY, APRIL 7, 2010

---

**FORMAL CALENDAR**

**HOUSE BILLS ON SECOND READING**

HB 2114-Hoskins, et al  
HCS for HB 1898

HB 2317-Tracy  
HCS for HB 1848

HB 1640-Roorda, et al  
 HB 1894-Bringer  
 HB 2294-Dugger  
 HCS for HB 1747  
 HB 1372-Parson, et al

HCS for HB 1965  
 HCS for HB 1806  
 HCS for HB 1893  
 HB 2220-Dugger, et al  
 HCS for HB 2297

### THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)  
 SJR 20-Bartle (In Fiscal Oversight)  
 SB 779-Bartle (In Fiscal Oversight)

SCS for SB 944-Shields (In Fiscal Oversight)  
 SB 816-Lembke (In Fiscal Oversight)  
 SB 1026-Rupp (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 943-Shields

SB 631-Cunningham, with SCS

### HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)  
 HCS#2 for HB 1472 (Schaefer)

HCS for HB 1498 (Lembke)  
 HCS for HJR 86, with SCS (Stouffer)

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SB 1001-Griesheimer

### SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
 SB 587-Nodler and Cunningham, with SCS &  
   SA 1 (pending)  
 SB 596-Callahan, with SCS (pending)  
 SB 606-Stouffer  
 SBs 607, 602, 615 & 725-Stouffer, with  
   SCS & SA 1 (pending)  
 SB 698-Griesheimer, with SCS, SS for SCS  
   & SA 1 (pending)  
 SB 705-Griesheimer  
 SB 714-Crowell  
 SB 734-Pearce, with SCS (pending)  
 SB 738-Crowell, with SCS  
 SB 747-Rupp, et al, with SA 1 (pending)

SB 784-Schaefer and Pearce  
 SB 792-Dempsey and Rupp, with SS (pending)  
 SB 793-Mayer, et al, with SCS, SA 1 & SA 1 to  
   SA 1 (pending)  
 SB 797-Green  
 SB 810-Lager, with SCS  
 SB 815-Bartle, with SCS & SA 1 (pending)  
 SB 818-Lembke, with SCS (pending)  
 SB 839-Wright-Jones, with SCS  
 SB 852-Lager, et al, with SS, SA 1 & SSA 1 for  
   SA 1 (pending)  
 SB 868-Shields  
 SB 877-Keaveny  
 SB 878-Lembke, with SCS (pending)

SBs 880, 780 & 836-Schaefer, with SCS  
SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS, SS for  
SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
SSA 1 for SA 1 (pending)  
SB 896-Shields and Crowell, with SA 1  
(pending)  
SB 905-Bray, et al, with SCS & SS for  
SCS (pending)  
SB 999-Schaefer  
SB 1017-Mayer, with SCS (pending)

SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS, SS#2  
for SCS & SA 5 (pending)  
SJR 29-Purgason and Cunningham, with SCS  
& SS for SCS (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1 (pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### Requests to Recede or Grant Conference

HCS for HB 2014, with SCS, as amended (Mayer)  
(House requests Senate recede or grant  
conference)

#### RESOLUTIONS

##### Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending)  
(Rupp)  
SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)  
SCR 52-Lager  
HCS for HCRs 34 & 35 (Schmitt)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-EIGHTH DAY—WEDNESDAY, APRIL 7, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“A man's heart is right when he wills what God wills.” (Thomas Aquinas)

Our Father, You have blessed us with ideals that haunt us and noble desires which move us to do what You desire of us. Keep us from anything that keeps us from making the ideal into the real, from laziness that will not make an effort or idleness which loves to do nothing. Keep us O Lord from procrastination which puts things off until it is too late ever to do them and from a lack of perseverance which gives up too easily. So grant us a vision of Your Holy Will and to make that vision into the real. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The Lieutenant Governor was present.

Senator Pearce assumed the Chair.

Senator Dempsey assumed the Chair.

### **RESOLUTIONS**

Senator Pearce offered Senate Resolution No. 2061, regarding the Fifty-fifth Anniversary of South East Elementary School, Warrensburg R-VI School District, Johnson County, which was adopted.

Senator Barnitz offered Senate Resolution No. 2062, regarding Fairfield Inn, Saint Robert, which was adopted.

Senator Barnitz offered Senate Resolution No. 2063, regarding Comfort Inn, Saint Robert, which was adopted.

Senator Barnitz offered Senate Resolution No. 2064, regarding Candlewood Suites, Saint Robert, which was adopted.

Senator Barnitz offered Senate Resolution No. 2065, regarding Mainstay Hotel, Saint Robert, which was adopted.

Senator Barnitz offered Senate Resolution No. 2066, regarding Hampton Inn, Saint Robert, which was adopted.

Senator Shields offered Senate Resolution No. 2067, regarding Joseph William “Joe” Mausolf, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 2068, regarding Bree Yeates, which was adopted.

Senator Shields offered Senate Resolution No. 2069, regarding Jennifer Wilson, which was adopted.

Senator Shields offered Senate Resolution No. 2070, regarding Tracey Walter, which was adopted.

Senator Shields offered Senate Resolution No. 2071, regarding Katherine Thompson, which was adopted.

Senator Shields offered Senate Resolution No. 2072, regarding Cheryl Scott, which was adopted.

Senator Shields offered Senate Resolution No. 2073, regarding Kevin Rask, which was adopted.

Senator Shields offered Senate Resolution No. 2074, regarding Mary Laughlin, which was adopted.

Senator Shields offered Senate Resolution No. 2075, regarding Vickie Larkins, which was adopted.

Senator Shields offered Senate Resolution No. 2076, regarding Taralyn Garner, which was adopted.

Senator Shields offered Senate Resolution No. 2077, regarding Deidre Dreiling, which was adopted.

Senator Shields offered Senate Resolution No. 2078, regarding Terri Daly, which was adopted.

Senator Shields offered Senate Resolution No. 2079, regarding Megan Carson, which was adopted.

Senator Shields offered Senate Resolution No. 2080, regarding Connie Burk, which was adopted.

Senator Shields offered Senate Resolution No. 2081, regarding Amy Barr, which was adopted.

Senator Shields offered Senate Resolution No. 2082, regarding Natalie Barner, which was adopted.

Senator Shields requested unanimous consent of the Senate to suspend the rules for the purpose of introducing a bill, which request was granted.

## INTRODUCTION OF BILLS

The following Joint Resolution was read the 1st time and ordered printed:

**SJR 45**—By Shields.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2(a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state board of education.

## REFERRALS

President Pro Tem Shields referred the Gubernatorial appointments appearing on pages 768 through 770 of the Senate Journal for Tuesday, April 6, 2010, to the Committee on Gubernatorial Appointments.

President Pro Tem Shields referred **HCS** for **HJR 86**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

## REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 976**; **SB 971**; **SS** for **SCS** for **SB 884**; **SCS** for **SB 826**; **SCS** for **SB 808**; and **SCS** for **SB 622**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

## SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 698**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Griesheimer, **SB 698**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Pearce moved that **SB 734**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 734** was again taken up.

Senator Pearce offered **SS** for **SCS** for **SB 734**, entitled:

### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 734

An Act to amend chapters 160 and 162, RSMo, by adding thereto four new sections relating to elementary and secondary education.

Senator Pearce moved that **SS** for **SCS** for **SB 734** be adopted, which motion prevailed.

Senator Griesheimer assumed the Chair.



On motion of Senator Pearce, **SS** for **SCS** for **SB 734** was declared perfected and ordered printed.

### **PRIVILEGED MOTIONS**

Senator Mayer moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 2014**, as amended, and requests the House to take up and pass **SCS** for **HCS** for **HB 2014**, as amended, which motion prevailed.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

Senator Engler announced that photographers from the Star Journal were given permission to take pictures in the Senate Chamber today.

### **RESOLUTIONS**

Senator Schaefer offered Senate Resolution No. 2083, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Paul Nichols, Hartsburg, which was adopted.

Senator Schaefer offered Senate Resolution No. 2084, regarding Margaret Mason Bock, Ed.D., Ashland, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senators Schmitt, Green, Engler, Goodman, Rupp, McKenna, Schaefer, Lager and Callahan offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 56**

WHEREAS, the United States Environmental Protection Agency (EPA) will shortly begin regulating greenhouse gas emissions under the federal Clean Air Act; and

WHEREAS, as a result of EPA's action, major new sources of electric generation will be mandated to obtain Prevention of Significant Deterioration (PSD) permits setting forth Best Available Control Technology requirements for greenhouse gases; and

WHEREAS, major uncertainty exists because trial technologies, such as carbon capture and sequestration or integrated gasification combined cycle power plants, which hold significant prospect to reduce greenhouse gas emissions, are still years away from being proven to be economically practicable or commercially available; and

WHEREAS, this uncertainty could paralyze the long-term planning and development of new electric generating units in the state at a time when the state faces a critical void in the coming years in the electric power needed to support economic recovery and growth; and

WHEREAS, highly efficient power technologies, such as super-critical and ultra super-critical coal-fired electric generating units, represent a significant advancement over earlier generation coal units in terms of efficient use of coal and in reductions of emissions, and are compatible with carbon capture and sequestration systems when they become commercially viable, which will lead to even further greenhouse gas reductions; and

WHEREAS, these super-critical technologies are already demonstrated to serve the dual purpose of reducing the overall emissions profile of the electricity generation unit while providing efficient, affordable, and available power today and into the future; and

WHEREAS, it is in the state's interest to support the use of these advanced and available technologies that take advantage of existing coal reserves to offer the state significant environmental and economic advantages, rather than delay development of critically needed baseload electricity supply or resort fully to less efficient or more expensive technologies:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Department of Natural Resources, in issuing PSD permits for new

conventional coal-fueled electric generating units, and consistent with otherwise applicable law, to fully consider:

(1) The need to act expeditiously in accordance with the state's need to develop new electric generation; and

(2) The use of commercially available technologies that are designed to be as efficient as is economically practicable, including advanced super-critical pulverized coal, ultra super-critical pulverized coal, and that are designed to be carbon capture and sequestration-compatible, as potential Best Available Control Technology; and

BE IT FURTHER RESOLVED that this resolution does not amend any state law to which the Department of Natural Resources is subject in the PSD process, and shall be interpreted to be consistent with any requirements of such state or federal law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon and the Director of the Department of Natural Resources.

### SENATE BILLS FOR PERFECTION

Senator Keaveny moved that **SB 877** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Lembke offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 877, Page 4, Section 452.340, Line 112, by inserting immediately after “obligation.” the following: **“The guidelines shall require documentation to verify the income of the parties for the initial order of support and for any modification of such order. Such documentation may include, but not be limited to, current wage stubs, a current W-2 form, statements from the party's employer, a wage match with the division of employment security, and bank statements. Neither the court nor the family support division in an administrative proceeding shall impute income to a party when there is verified income documentation on the record as established under the provisions of this subsection.”**; and further amend line 115, by inserting immediately after the word “parents” the following: **“and as specified in subdivision (2) of subsection 11 of this section”**; and

Further amend said bill and section, page 5, line 153, by inserting immediately after said line the following:

**“11. (1) Notwithstanding subsection 1 of this section, no child support shall be awarded in instances:**

**(a) Where both parents sign an agreement requesting the court not to award child support and to award them joint physical custody resulting in the child or children spending equal or substantially equal time with both parents;**

**(b) The difference in the verified incomes of the parents is less than twenty-five percent; and**

**(c) A finding has been made that such custody and award of no child support is in the best interest of the child.**

**(2) When parents do not agree on an award of no child support but meet all of the other requirements under subdivision (1) of this subsection, the court shall award child support in an amount that provides up to a fifty percent adjustment below the basic child support amount authorized by the child support guidelines described under subsection 8 of this section for custody awards of children spending equal or substantially equal time with both parents. The Missouri supreme court shall amend the child support guidelines, commonly referred to as “Form 14”, to reflect the ability to obtain up to a fifty percent adjustment for joint custody in accordance with this**

**section.”**; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, page 6, lines 196 and 198, by striking “11” as it appears on both of said lines and inserting in lieu thereof the following: “**12**”; and

Further amend said bill and section, page 7, line 201, by striking “11” and inserting in lieu thereof the following: “**12**”.

Senator Lembke moved that the above amendment be adopted.

Senator Justus offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 877, Page 1, Section 452.340, Line 8 by striking “Neither”; and further amend same page and section lines 9-11 by striking said lines; and further amend same page and section line 12 by striking “provisions of this subsection.”

Senator Justus moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Keaveny, **SB 877**, as amended, was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 734**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**SENATE BILLS FOR PERFECTION**

Senator Purgason moved that **SJR 29**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SJR 29** was again taken up.

At the request of Senator Purgason, **SS** for **SCS** for **SJR 29** was withdrawn.

Senator Purgason offered **SS No. 2** for **SCS** for **SJR 29**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 29

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 4(d) of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the revenue-neutral replacement of state taxes on income with an amended sales and use tax.

Senator Purgason moved that **SS No. 2** for **SCS** for **SJR 29** be adopted.

Senator Dempsey assumed the Chair.

At the request of Senator Purgason, **SJR 29**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

Senator Bartle moved that **SB 815**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

Senator Bray offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 815, Page 1, Section 160.405, Line 3, by inserting immediately before “160.405” the following: “160.400. 1. A charter school is an independent public school.

2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation;

(3) A community college located in the district; or

(4) Any private four-year college or university located in a city not within a county with an enrollment of at least one thousand students, and with an approved teacher preparation program.

3. The mayor of a city not within a county may request a sponsor under subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a “workplace charter school”, which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in the charter, which is located in the city.

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not be withheld when the sponsor is a school district or the state board of education. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter school it sponsors, including appropriate demonstration of the following:

(1) Expends no less than ninety percent of its charter school sponsorship funds in support of its charter school sponsorship program, or as a direct investment in the sponsored schools;

(2) Maintains a comprehensive application process that follows fair procedures and rigorous criteria and grants charters only to those developers who demonstrate strong capacity for establishing and operating a quality charter school;

(3) Negotiates contracts with charter schools that clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences, and other material terms;

(4) Conducts contract oversight that evaluates performance, monitors compliance, informs intervention and renewal decisions, and ensures autonomy provided under applicable law; and

(5) Designs and implements a transparent and rigorous process that uses comprehensive data to make merit-based renewal decisions.

10. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349, RSMo, without ensuring that a criminal background check and child abuse registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the governing board of the charter school.

12. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, RSMo, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

13. A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420 and 167.349, RSMo.

14. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. **The state board shall establish standards for sponsors to conduct annual Missouri school improvement plan assessments of each sponsored charter school. The standards shall include an evaluation of: curriculum and instruction, facilities, health and safety, educational programs, and compliance with state performance standards; adequacy of the sponsoring agency's support for and communication with the school; operation and performance of the nonprofit board of the charter school and education management organization, if contracted.** The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school. If the state board removes the authority to sponsor a currently operating charter school, the state board shall become the interim sponsor of the school for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses.”; and

Further amend said amendment, Page 9, Line 21 of said amendment page, by inserting after “grounds:” the following: **“failure to meet the standards under the sponsor's annual Missouri school improvement plan assessment,”**; and

Further amend said amendment, Page 10, Line 24 of said amendment page, by inserting after all of said line the following:

**“(7) The sponsor shall annually conduct a Missouri school improvement plan assessment of the charter school, based upon standards established by the state board under section 160.400.”.**

Senator Bray moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 815, Page 1, Section A, Line 2, by inserting after all of said line the following:

“168.106. The contract between a school district and a permanent teacher shall be known as an

indefinite contract and shall continue in effect for an indefinite period, subject only to:

- (1) Compulsory or optional retirement when the teacher reaches the age of retirement provided by law, or regulation established by the local board of education;
- (2) Modification by a succeeding indefinite contract or contracts in the manner hereinafter provided;
- (3) The death of the teacher;
- (4) Resignation of the teacher with the written consent of the school board;
- (5) Termination by the board of education after a hearing as hereinafter provided; [and]
- (6) The revocation of the teacher's certificate; **and**
- (7) **A decision by the teacher to follow the teacher choice compensation package under sections 168.745 to 168.750 in a district and give up the right to an indefinite contract.**

168.745. 1. There is hereby created the "Teacher Choice Compensation Package" to permit performance-based salary stipends upon the decision of the teacher [in a metropolitan school district] as described in section 168.747 to reward teachers for objectively demonstrated superior performance.

2. There is hereby created the "Teacher Choice Compensation Fund" in the state treasury. The fund shall be administered by the department of elementary and secondary education. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo.

3. The teacher choice compensation fund shall consist of all moneys transferred to it under this section, and all moneys otherwise appropriated to or donated to it. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The general assembly shall annually appropriate five million dollars to the fund created in this section.

168.747. 1. To be eligible for the teacher choice compensation package **in a metropolitan school district**, all classroom personnel [in a metropolitan school district] reported as a code forty, fifty, or sixty through the core data system of the department of elementary and secondary education shall opt out of his or her indefinite contract under section 168.221 for the duration of employment with the district. A teacher may decide to end his or her eligibility for the teacher choice stipend but may not resume permanent teacher status with that district. A probationary teacher may opt out of consideration for a permanent contract in the second or subsequent years of employment by the district to participate in the teacher choice compensation package but may not return to permanent status in that district or resume the process for qualification for an indefinite contract in that district. A teacher who has chosen the teacher choice compensation package and changes employment to another district may choose to resume the process for qualification for an indefinite contract in that district[. The teacher choice compensation package shall only be available for teachers in a metropolitan school district] **or may choose to remain in the teacher choice compensation package of the district, provided the district's board of education has resolved, by majority vote, to allow classroom personnel to participate.**

**2. To be eligible for the teacher choice compensation package in a seven director or urban school district, the adoption of a resolution by the vote of a majority of the members of the board of education shall be required. If such a vote occurs in a seven director or urban school district, classroom personnel reported as a code forty, fifty, or sixty through the core data system of the department of elementary and secondary education shall opt out of his or her indefinite contract under section 168.106 for the duration of employment with the district. A teacher may decide to end his or her eligibility for the teacher choice stipend but may not resume permanent teacher status with that district. A probationary teacher may opt out of consideration for a permanent contract in the second or subsequent years of employment by the district to participate in the teacher choice compensation package but may not return to permanent status in that district or resume the process for qualification for an indefinite contract in that district. A teacher who has chosen the teacher choice compensation package and changes employment to another district may choose to resume the process for qualification for an indefinite contract in that district or:**

**(1) If the new district of employment is a metropolitan school district, may choose to remain in the teacher choice compensation package; or**

**(2) If the new district of employment is a seven director or urban school district, may choose to remain in the teacher choice compensation package, provided the district's board of education has resolved by majority vote to allow classroom personnel to participate.**

**3. Teachers shall qualify annually in October for the stipends described in section 168.749. Stipends shall be offered in five thousand dollar increments, up to fifteen thousand dollars, but shall not exceed fifty percent of a teacher's base salary, before deductions for retirement but including designated pay for additional duties such as coaching, sponsoring, or mentoring. Any stipend received under section 168.749 shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers receiving the stipend shall receive any pay and benefits received by teachers of similar training, experience, and duties. Such stipends shall not be considered compensation for retirement purposes.**

**[3.] 4. Subject to appropriation, the department of elementary and secondary education shall make a payment to the district in the amount of the stipend, to be delivered as a lump sum in January following the October of qualification. If the amount appropriated is not enough to fund the total of five thousand dollar increment payments, the department may prorate the payments.**

**[4.] 5. Every person employed by the district in a teaching position, regardless of the certification status of the person, who qualifies under any of the indicators listed in section 168.749 is eligible for the teacher choice compensation package. Teachers who are employed less than full-time are eligible for teacher choice stipends on a prorated basis. Any teacher who is dismissed for cause who has otherwise qualified for a teacher choice stipend shall forfeit the stipend for that year.”; and**

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Bartle, **SB 815**, with **SCS**, as amended, was placed on the Informal Calendar.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:



GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

April 7, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Ronald Dirck Clark to the Missouri Western State University Board of Governors, submitted on March 31, 2010. Line 4 should be amended as follows:

“and qualified; vice, reappointed to a full term.”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above addendum to the Committee on Gubernatorial Appointments.

**REFERRALS**

President Pro Tem Shields referred **SS** for **SCS** for **SB 734**; **SCS** for **SB 622**; and **SS** for **SCS** for **SB 884** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

**SENATE BILLS FOR PERFECTION**

Senator Bartle moved that **SB 815**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 815**, as amended, was again taken up.

Senator Rupp offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for Senate Bill No. 815, Page 2, Section 171.017, Line 14, by inserting after all of said line the following:

“178.693. 1. School districts that offer an approved program of parent education shall be eligible for state reimbursement, pursuant to section 163.031, RSMo, subject to appropriations therefor for each participating family. If a school district fails or is unable to offer an approved program of parent education, the district shall enter into a contract which meets the requirements under section 178.697, with another district, public agency or state approved not-for-profit agency offering an approved program for such services. If the district finds that no approved program is available in another district, public agency, or through a state approved not-for-profit agency, it shall request the state department of elementary and secondary education to assist it in obtaining from an approved program, services at the reimbursable rate. **If available appropriations are insufficient to fund services for all individuals who request such services, the department of elementary and secondary education shall direct funds to serve those individuals designated as high need or low income, as defined by the department. School districts may**

**charge a co-pay or a fee based on adjusted gross income and family size based on a sliding fee scale adopted by the department. The department shall promulgate rules necessary to implement the provisions of this subsection.**

2. School districts that offer an approved program of developmental screening for all children under the age of five years shall be eligible for state reimbursement, pursuant to section 163.031, RSMo, subject to appropriations therefor for each participating child. If a school district fails or is unable to offer an approved program of developmental screening, the district shall enter into a contract which meets the requirements under section 178.697, with another district, public agency or state approved not-for-profit agency offering an approved program for such services. If the district finds that no approved program is available in another district, public agency or state approved not-for-profit agency, it shall request the state department of elementary and secondary education to assist it in obtaining from an approved program, services at the reimbursable rate.

3. School districts that offer approved programs for developmentally delayed children ages three and four who may also be eligible for programs under the provisions of sections 162.670 to 162.995, RSMo, shall be eligible for state reimbursement, pursuant to section 163.031, RSMo, subject to appropriations, provided the children are not receiving the same or similar services for handicapped or severely handicapped children under another program for which reimbursements from the department of elementary and secondary education are available to the district. If a school district fails or is unable to offer an approved program for developmentally delayed children ages three and four, the district shall enter into a contract which meets the requirements under section 178.697, with another district, public agency or state approved not-for-profit agency offering an approved program for such services. If the district finds that no approved program is available in another district, public agency or state approved not-for-profit agency, it shall request the state department of elementary and secondary education to assist it in obtaining from an approved program, services at the reimbursable rate.

**4. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**

178.695. 1. Programs shall be subject to review and approval under standards developed by the department of elementary and secondary education consisting of early childhood education and parents as teachers programs and published as an administrative rule under the provisions of chapter 536, RSMo.

**2. The department of elementary and secondary education shall, by October first of each year, submit to the joint committee on education a report concerning the demographics of the individuals served by any approved program of parent education, including whether such individuals would be considered high need or low income. No information shall identify any specific individual.**

**3. The lieutenant governor shall act as an advisor to the department for all such programs reviewed by the department.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Rupp offered **SA 1** to **SA 3**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 815, Page 1, Section 178.693, Lines 16-22, by striking all of the underlined lines from said page; and further amend said amendment, page 2, lines 1-2, by striking all of said lines from the amendment; and inserting in lieu thereof the following: **“If no developmental delay is detected by a parent educator after the sixth family visit specific to one child, the department of elementary and secondary education shall require that the parent or family share in the cost of the services provided. The department shall promulgate rules and regulations for payment by the parent.”**; and further amend said amendment, section 178.695, pages 3-4, by striking all of said section from the amendment.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

**SA 3**, as amended, was again taken up.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 815, Page 1, In the Title, Line 3, by inserting immediately after “education” the following: “, with an emergency clause for a certain section”; and

Further amend said bill, page 1, section A, line 2, by inserting immediately after said line the following:

**“164.320. All qualified school construction bond issuance authorizations for calendar year 2010 shall be allocated by the department of elementary and secondary education on an average daily attendance basis to school districts in which the constitutionally required percentage of voters authorized the incurrence of debt on either the general election day in November 2009, as provided in subsection 6 of section 115.121, or on any applicable election date in 2010 in order to provide funds for such districts to acquire, construct, equip, improve, restore, or furnish public school facilities in accordance with the provisions of the American Recovery and Reinvestment Act of 2009 and with Section 54F of the Internal Revenue Code of 1986, as amended, which provides for qualified school construction bonds. The department shall utilize the most current available data in determining the per average daily attendance allocation amounts and shall submit a report to the secretary of the senate and the chief clerk of the house of representatives detailing the 2010 calendar year qualified school construction bond issuance authorization allocations not less than thirty days subsequent to the completion of the 2010 allocation schedule.”**; and

Further amend said bill, page 2, section 171.017, line 14, by inserting immediately after said line the following:

**“Section B. Because of the importance of making qualified school construction bond issuance authorizations available to school districts, the enactment of section 164.320 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 164.320 of this act**

shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Pearce offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 815, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“160.353. The governing board of any urban, metropolitan, or seven director school district may adopt a policy that allows any student who has participated in three or more years of interscholastic athletics at the high school level to be granted one unit of credit of the physical education graduation requirement. Such a policy may only be adopted after a public hearing is held on the question and a majority of the board votes in favor of the question. Any board that votes to adopt such a policy shall contact appropriate officials at the department of elementary and secondary education within thirty days of the affirmative vote. The state board of education shall make any necessary alterations to bring the state's minimum graduation requirements into compliance with this section. Nothing in this section shall be construed to impact any other minimum graduation requirements approved by the state board of education.**

**160.355. The governing board of any urban, metropolitan, or seven director school district may adopt a policy that allows any student who has earned fine arts credit for participation in high school marching band for three or more years to be granted one unit of credit of the physical education graduation requirement. Such a policy may only be adopted after a public hearing is held on the question and a majority of the board votes in favor of the question. Any board that votes to adopt the policy described in this section shall contact appropriate officials at the department of elementary and secondary education within thirty days of the affirmative vote. The state board of education shall make any necessary alterations to bring the state's minimum graduation requirements into compliance with this section. This section shall not be construed to impact any of the other minimum graduation requirements approved by the state board of education.”; and**

Further amend the title and enacting clause accordingly.

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 815, Page 1, In the Title, Line 3, by inserting immediately after “education” the following: “, with an emergency clause for a certain section”; and

Further amend said bill, page 2, section 171.017, line 14, by inserting immediately after said line the following:

**“171.032. 1. In the 2009-2010 school year, a school district may be exempt from the requirement to make up days of school lost or canceled due to incidence of 2009 H1NI influenza virus in the school district. A majority vote of the school board of the school district shall be required in order to be exempt from making up school days lost or canceled due to incidence of 2009 H1NI influenza virus**

**in the district.**

**2. The commissioner of education may provide, for any school district in which schools are in session for twelve months of each calendar year that cannot meet the minimum school calendar requirement of actual pupil attendance, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to incidence of 2009 H1N1 influenza virus.**

Section B. Because immediate action is necessary to clarify potential school scheduling problems, the enactment of section 171.032 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 171.032 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Keaveny offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 815, Page 1, Section A, Line 2, by inserting after all of said line the following:

“167.031. 1. Every parent, guardian or other person in this state having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of seven years and the compulsory attendance age for the district is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a child between the ages of five and seven years in a public school program of academic instruction shall cause such child to attend the academic program on a regular basis, according to this section **except as provided in subsection 8 of this section**. Nonattendance by such child shall cause such parent, guardian or other responsible person to be in violation of the provisions of section 167.061, except as provided by this section. A parent, guardian or other person in this state having charge, control, or custody of a child between the ages of seven years of age and the compulsory attendance age for the district shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends; except that:

(1) A child who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof;

(2) A child between fourteen years of age and the compulsory attendance age for the district may be excused from attendance at school for the full time required, or any part thereof, by the superintendent of public schools of the district, or if there is none then by a court of competent jurisdiction, when legal employment has been obtained by the child and found to be desirable, and after the parents or guardian of the child have been advised of the pending action; or

(3) A child between five and seven years of age shall be excused from attendance at school if a parent, guardian or other person having charge, control or custody of the child makes a written request that the child be dropped from the school's rolls.

2. (1) As used in sections 167.031 to 167.071, a “home school” is a school, whether incorporated or unincorporated, that:

(a) Has as its primary purpose the provision of private or religious-based instruction;

(b) Enrolls pupils between the ages of seven years **or six years, in accordance with sections 160.051, 160.053, 160.054, and 160.055, beginning in the 2011-2012 school year, for a metropolitan school district and an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants** and the compulsory attendance age for the district, of which no more than four are unrelated by affinity or consanguinity in the third degree; and

(c) Does not charge or receive consideration in the form of tuition, fees, or other remuneration in a genuine and fair exchange for provision of instruction.

(2) As evidence that a child is receiving regular instruction, the parent shall, except as otherwise provided in this subsection:

(a) Maintain the following records:

a. A plan book, diary, or other written record indicating subjects taught and activities engaged in; and

b. A portfolio of samples of the child's academic work; and

c. A record of evaluations of the child's academic progress; or

d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

(b) Offer at least one thousand hours of instruction, at least six hundred hours of which will be in reading, language arts, mathematics, social studies and science or academic courses that are related to the aforementioned subject areas and consonant with the pupil's age and ability. At least four hundred of the six hundred hours shall occur at the regular home school location.

(3) The requirements of subdivision (2) of this subsection shall not apply to any pupil above the age of sixteen years.

3. Nothing in this section shall require a private, parochial, parish or home school to include in its curriculum any concept, topic, or practice in conflict with the school's religious doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all departments or agencies of the state of Missouri shall be prohibited from dictating through rule, regulation or other device any statewide curriculum for private, parochial, parish or home schools.

4. A school year begins on the first day of July and ends on the thirtieth day of June following.

5. The production by a parent of a daily log showing that a home school has a course of instruction which satisfies the requirements of this section or, in the case of a pupil over the age of sixteen years who attended a metropolitan school district the previous year, a written statement that the pupil is attending home school in compliance with this section shall be a defense to any prosecution under this section and to any charge or action for educational neglect brought pursuant to chapter 210, RSMo.

6. As used in sections 167.031 to 167.051, the term “compulsory attendance age for the district” shall mean:

(1) Seventeen years of age for any metropolitan school district for which the school board adopts a resolution to establish such compulsory attendance age; provided that such resolution shall take effect no earlier than the school year next following the school year during which the resolution is adopted; and

(2) Seventeen years of age or having successfully completed sixteen credits towards high school graduation in all other cases. The school board of a metropolitan school district for which the compulsory attendance age is seventeen years may adopt a resolution to lower the compulsory attendance age to sixteen years; provided that such resolution shall take effect no earlier than the school year next following the school year during which the resolution is adopted.

7. For purposes of subsection 2 of this section as applied in subsection 6 [herein] **of this section**, a “completed credit towards high school graduation” shall be defined as one hundred hours or more of instruction in a course. Home school education enforcement and records pursuant to this section, and sections 210.167 and 211.031, RSMo, shall be subject to review only by the local prosecuting attorney.

**8. Beginning in the 2011-2012 school year, in a metropolitan school district and in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants, every parent, guardian, or other person having charge, control or custody of a child not enrolled in a public, private, parochial, parish school, or full-time equivalent attendance in a combination of such schools and between the ages of six years, in accordance with sections 160.051, 160.035, 160.054, and 160.055, and the compulsory attendance age for the district is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. A parent, guardian, or other person in this state having charge, control, or custody of a child between the ages of six years of age, in accordance with sections 160.051, 160.035, 160.054, and 160.055, and the compulsory attendance age for the district shall cause the child to attend regularly some public, private, parochial, parish, home school, or combination of such schools not less than the entire school term of the school which the child attends, except that:**

**(1) A child who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof;**

**(2) A child between fourteen years of age and the compulsory attendance age for the district may be excused from attendance at school for the full time required, or any part thereof, by the superintendent of public schools of the district, or if there is none then by a court of competent jurisdiction, when legal employment has been obtained by the child and found to be desirable, and after the parents or guardian of the child have been advised of the pending action; or**

**(3) The parent or legal guardian of a child may determine that the child is not ready to attend kindergarten and may enroll the child in an accredited preschool program operating in the school district after providing notification to the school district.”; and**

Further amend said bill, page 2, section 171.017, line 14, by inserting after all of said line the following:

**“4. No district that adopts a resolution under this section shall lose eligibility to receive state aid pursuant to section 163.021 as a result of implementing a second start date for kindergarten students, irrespective of the timing of, or number of, days of pupil attendance.**

**5. Any child who begins kindergarten on a second kindergarten start date under this section may be promoted to first grade the subsequent school year if the student's teacher and principal find that the student is adequately prepared. Alternatively, the student's parent or legal guardian may request that the student remain in kindergarten an additional year.”; and**

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion failed.

Senator Bartle moved that **SCS** for **SB 815**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SB 815**, as amended, was declared perfected and ordered printed.

Senator Crowell moved that **SB 714** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Crowell offered **SS** for **SB 714**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 714

An Act to repeal sections 56.809, 70.605, 104.190, 104.480, 169.020, 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof nineteen new sections relating to retirement.

Senator Crowell moved that **SS** for **SB 714** be adopted.

At the request of Senator Crowell, **SB 714**, with **SS** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 877**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**HOUSE BILLS ON THIRD READING**

**HB 1442**, with **SCS**, was placed on the Informal Calendar.

**HCS No. 2** for **HB 1472** was placed on the Informal Calendar.

**HCS** for **HB 1498**, entitled:

An Act to repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to the payment of health insurance claims, with an effective date.

Was taken up by Senator Lembke.

On motion of Senator Lembke, **HCS** for **HB 1498** was read the 3rd time and passed by the following vote:



## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### INTRODUCTIONS OF GUESTS

Senator Dempsey introduced to the Senate, Matthew, Andrew and Nicholas Gentry, St. Charles; and Brett Polinske, Edwardsville, Illinois; and Matthew, Andrew, Nicholas and Brett were made honorary pages.

Senator Wright-Jones introduced to the Senate, Dan Schulte, Lucy Ryder-Duffey, Cenia Bosman and students Toriano Burston, Rachel Turner and Jasmine Tomlin, YMCA St. Louis.

Senator Wilson introduced to the Senate, Paul Lisban, Kansas City; and representatives of YMCA Youth in Government.

Senator Mayer introduced to the Senate, Clyde Hawes, New Madrid.

Senator Shields introduced to the Senate, Rick and Jill Smith, and their children, Skylar, Allyah, Trey and Ariaah, St. Joseph; and Skylar, Allyah, Trey and Ariaah were made honorary pages.

Senator Shields introduced to the Senate, Barbara Westland, Jane Moore, Jim Pearce and Hospice volunteers from around the state.

Senator Shields introduced to the Senate, volunteers and staff representing YMCA Advocacy Day from around the state.

Senator Shoemyer introduced to the Senate, Toms and Beckys, Hannibal Chamber of Commerce.

Senator Mayer introduced to the Senate, Leah Kelley, Dexter; Brandy Pratt, Farmington; and Jeff Young, Ozark.

Senator Mayer introduced to the Senate, Chris Hon, Poplar Bluff; Toni Hill, Portageville; Larry Wood, Senath-Hornersville; and Kenneth Cook, Malden.

Senator Schmitt introduced to the Senate, Kim Drury and seventy-four fourth grade students from St. Peter School, Kirkwood; and Robert Pecha, Charlie Scheibelhut, Connie Schu, Emily Wilcutt and Emily

LaValle were made honorary pages.

Senator Goodman introduced to the Senate, his wife, Laura, and their children, Jack Elliott and William True, Mt. Vernon; and Jack Elliott and William True were made honorary pages.

Senators Griesheimer and Cunningham introduced to the Senate, Cathy Jaeger, O’Fallon; Stephanie Marquart, Augusta; and Ann Tobben, Union, St. John’s Mercy Hospice.

Senator Cunningham introduced to the Senate, Paula Minogue and Jeanie and Kristi Hargas, representatives of Hospice.

On behalf of Senator Dempsey, the President introduced to the Senate, Michael Muckerman, Mary Braddock and Bill and David Meiners, Kansas City; and Michael was made an honorary page.

Senator Crowell introduced to the Senate, seventh and eighth grade students from Immanuel Lutheran School, Perryville.

Senator Rupp introduced to the Senate, John and Jami Wightman, and their children, Logan and Molly, Foristell; and Logan and Molly were made honorary pages.

Senator Pearce introduced to the Senate, his brother, Mark Pearce, Mayor Charles Shore, Nancy Shore, Douglas S. Christie, Michael K. Greife, Scott Patrick, Andy Kohl, Deborah Orr, Dale Carder, Barbara Carroll, Ronda Watts, Jessica Rhodes, Doris J. and Sam W. Raber, Baird Brock, Jeff Hancock and Leanne Larson, representatives of Warrensburg/Johnson County Day.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

FORTY-NINTH DAY—THURSDAY, APRIL 8, 2010

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SJR 45-Shields

### HOUSE BILLS ON SECOND READING

HB 2114-Hoskins, et al

HCS for HB 1898

HB 2317-Tracy

HCS for HB 1848

HB 1640-Roord, et al

HB 1894-Bringer

HB 2294-Dugger

HCS for HB 1747

HB 1372-Parson, et al

HCS for HB 1965

HCS for HB 1806

HCS for HB 1893

HB 2220-Dugger, et al

HCS for HB 2297

## THIRD READING OF SENATE BILLS

- |  |  |
|--|--|
| 1. SB 627-Justus (In Fiscal Oversight)             | 9. SS for SCS for SB 884-Schaefer<br>(In Fiscal Oversight) |
| 2. SJR 20-Bartle (In Fiscal Oversight)             | 10. SCS for SB 826-Griesheimer                             |
| 3. SB 779-Bartle (In Fiscal Oversight)             | 11. SCS for SB 808-Callahan                                |
| 4. SCS for SB 944-Shields<br>(In Fiscal Oversight) | 12. SCS for SB 622-Shoemyer<br>(In Fiscal Oversight)       |
| 5. SB 816-Lembke (In Fiscal Oversight)             | 13. SS for SCS for SB 734-Pearce<br>(In Fiscal Oversight)  |
| 6. SB 1026-Rupp (In Fiscal Oversight)              | 14. SB 877-Keaveny   |
| 7. SB 976-Rupp                                     |  |
| 8. SB 971-Lembke                                   |  |

## SENATE BILLS FOR PERFECTION

SB 943-Shields

SB 631-Cunningham, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HJR 86, with SCS (Stouffer)  
(In Fiscal Oversight)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SB 1001-Griesheimer

## SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 579-Shields, with SCS                                       | SB 714-Crowell, with SS (pending)                               |
| SB 587-Nodler and Cunningham,<br>with SCS & SA 1 (pending)     | SB 738-Crowell, with SCS  |
| SB 596-Callahan, with SCS (pending)                            | SB 747-Rupp, et al, with SA 1 (pending)                         |
| SB 606-Stouffer  | SB 784-Schaefer and Pearce                                      |
| SBs 607, 602, 615 & 725-Stouffer,<br>with SCS & SA 1 (pending) | SB 792-Dempsey and Rupp, with SS (pending)                      |
| SB 698-Griesheimer, with SCS,<br>SS for SCS & SA 1 (pending)   | SB 793-Mayer, et al, with SCS,<br>SA 1 & SA 1 to SA 1 (pending) |
| SB 705-Griesheimer   | SB 797-Green  |
|  | SB 810-Lager, with SCS  |
|  | SB 818-Lembke, with SCS (pending)                               |

SB 839-Wright-Jones, with SCS  
SB 852-Lager, et al, with SS,  
SA 1 & SSA 1 for SA 1 (pending)  
SB 868-Shields  
SB 878-Lembke, with SCS (pending)  
SBs 880, 780 & 836-Schaefer, with SCS  
SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS, SS for  
SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
SSA 1 for SA 1 (pending)  
SB 896-Shields and Crowell, with SA 1  
(pending)  
SB 905-Bray, et al, with SCS & SS for SCS  
(pending)

SB 999-Schaefer  
SB 1017-Mayer, with SCS (pending)  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS,  
SS#2 for SCS & SA 5 (pending)  
SJR 29-Purgason and Cunningham, with SCS &  
SS#2 for SCS (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1 (pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

#### HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)

HCS#2 for HB 1472 (Schaefer)

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### Requests to Recede or Grant Conference

HCS for HB 2014, with SCS, as amended (Mayer)  
(Senate requests House take up and pass the bill)

#### RESOLUTIONS

##### Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)  
SCR 52-Lager  
HCS for HCRs 34 & 35 (Schmitt)

##### To be Referred

SCR 56-Schmitt, et al

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-NINTH DAY—THURSDAY, APRIL 8, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Sustain me according to your promise, that I may live, and not be disappointed in my hope.” (Psalm 119:116)

We know our needs, O God, for life has taught us that we cannot walk alone. So be with us, Lord, to help us, to guide us and to comfort us in all the changes and chances that life brings to us. And may we return home safely and be with those we love and give thanks for them and Your gracious gifts to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senators

Crowell            McKenna—2

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Pearce offered Senate Resolution No. 2085, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. M. Galen Marr, Warrensburg, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Ridgeway offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 57**

WHEREAS, civil aviation plays a pivotal role in promoting cultural exchange, business, trade, and tourism; and

WHEREAS, developing international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO); and

WHEREAS, Taiwan is the world's 20th largest economy, ranks 18th among countries in trading, and is a key air transport hub linking Northeast and Southeast Asia; and

WHEREAS, over 174,000 international flights travel to and from Taiwan, with foreign passengers making approximately 3.8 million trips to the island every year; and over 35 million passengers, including 25.39 million passengers on international flights, arrived and departed from Taiwan's airports in 2008; and

WHEREAS, without Taiwan's participation, international flight plans, regulations, and procedures that ICAO formulates will be incomplete; and

WHEREAS, in the 1994 Taiwan Policy Review, the United States declared its intention to support Taiwan's participation in appropriate international organizations; and

WHEREAS, the State of Missouri and Taiwan have entered into a sister state relationship since 1980, with both sides highly regarding this mutually beneficial link:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby endorse an observer status for Taiwan in the International Civil Aviation Organization; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the United States Secretary of State, the United States Secretary of Transportation, each member of the Missouri congressional delegation, and the Director-General of the Taipei Economic and Cultural Office in Kansas City, Missouri.

Senator Wright-Jones offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 58**

WHEREAS, the City of St. Louis was granted the first river boat Casino license in the state of Missouri; and

WHEREAS, such license was granted to the President Riverboat Casino also known as the Admiral; and

WHEREAS, in 2008 the voters of this great state decided to limit the number of gambling licenses to thirteen; and

WHEREAS, the President Casino at its high point generated over 70 million dollars a year in revenue and millions of dollars in tax revenue to the City of St. Louis; and

WHEREAS, Pinnacle Entertainment acquired the President in 2003; and

WHEREAS, the President Casino once employed over 1,000 people; and

WHEREAS, Pinnacle Entertainment was licensed to build and operate the Lumiere Casino and made a commitment to the City of St. Louis and the Missouri Gaming Commission to continue to operate the President and make needed improvements to the President; and

WHEREAS, for whatever reason Pinnacle Entertainment decided not to make those needed repairs; and

WHEREAS, the Gaming Commission decided to terminate Pinnacle's license for the President in January of 2010; and

WHEREAS, on March 16, 2010, Pinnacle Entertainment and the Missouri Gaming Commission in the spirit of cooperation agreed that Pinnacle would surrender the gaming license of the President Casino to the Gaming Commission by July 1, 2010; and

WHEREAS, the President Casino, also referred to as the Admiral, has over seventy years of historic presence on the St. Louis Riverfront; and

WHEREAS, the City of St. Louis has had the benefit of the revenue and the jobs generated by the President Casino for the last eighteen years; and

WHEREAS, the loss of the gaming license of the President Casino would result in an undue hardship and loss of much needed jobs and revenue to the City of St. Louis:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urges the Missouri Gaming Commission to seriously consider that in light of the length of operation, significant value of revenue and employment, and the profound history of the first licensed riverboat in the State of Missouri, that the license remain in the City of St. Louis; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Gaming Commission.

Senator Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 59

WHEREAS, the right of the parents to direct the upbringing and education of their children is a fundamental right protected by the Constitutions of the United States and the state of Missouri; and

WHEREAS, our nation has long pursued the path of relying first and foremost on parents to meet the real and necessary needs of children; and

WHEREAS, the United States Supreme Court in *Wisconsin v. Yoder* (1972) has held that this primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition; and

WHEREAS, children are best served by the continued practice of requiring proper proof of harm before the government intervenes in the family to override parental decisions in any sphere of the child's upbringing; and

WHEREAS, certain members of the United States Senate have called upon the Secretary of State and the President to forward to them the United Nations Convention on the Rights of the Child for ratification; and

WHEREAS, Article VI of the Constitution of the United States provides that treaties that are ratified by the United States Senate become a part of the "supreme law of the land" and that state laws and constitutions are subservient to such treaties; and

WHEREAS, virtually all law that applies to children and families in Missouri is state law; and

WHEREAS, the Missouri General Assembly has repeatedly rejected proposals to ban corporal discipline; and

WHEREAS, by virtue of the federal Supremacy Clause all Missouri law regarding children would be overridden if there is a conflict with this treaty, if ratified; and

WHEREAS, the Congress of the United States would acquire primary jurisdiction to legislate to meet our nation's legal obligation to comply with the treaty if ratified, thereby shifting from Missouri and her sister states to the Congress of the United States powers not formerly delegated which are currently reserved to the states under the Tenth Amendment to the U.S. Constitution; and

WHEREAS, the treaty is subject to the general rule of international law that "custom" is binding law in many circumstances, rendering the text of a treaty as an unreliable guide to its future meaning; and

WHEREAS, the United Nations Committee on the Rights of the Child at periodic intervals publishes "General Comments" which are substantive additions to the obligations of state parties already under the Convention; and

WHEREAS, the United Nations Committee on the Rights of the Child makes regular determinations of the meaning and the application of the treaty, and would hold these interpretations to be binding on the Congress of the United States and the courts of the United States when interpreting and enforcing the treaty; and

WHEREAS, this represents a wholesale abandonment of the ultimate sovereignty of the United States on matters within the scope of the treaty; and

WHEREAS, this abandonment violates the core principle of our self-government: to wit, only American legislatures and the people themselves have the moral authority to make law for America; and

WHEREAS, the substance of the treaty, as interpreted and applied by this official United Nations tribunal:

(1) Bans all corporal discipline, including reasonable spanking by parents;

(2) Gives the government review authority of a broad scope of parental decisions without the necessity of proving that the parents are unfit

or have harmed the child;

(3) Allows children and government to override reasonable and ordinary decisions concerning the religious upbringing of the child;

(4) Allows the government the ability to review any parental decision concerning the education of a child, even if that decision fully complies with the law of Missouri;

(5) Requires a level of socialized spending programs for the supposed needs of children (which in too many cases simply employ more government workers) that would bankrupt any American state; and

(6) Grants to children a legally enforceable right to leisure and many other particular “rights” that are contrary to American traditions and common sense:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein condemn the United Nations Convention on the Rights of the Child; and

BE IT FURTHER RESOLVED that the State of Missouri urges the United States Senate to reject such treaty's ratification; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for each member of the United States Senate.

### THIRD READING OF SENATE BILLS

**SB 976**, introduced by Senator Rupp, entitled:

An Act to repeal section 160.254, RSMo, and to enact in lieu thereof two new sections relating to the race to the top program, with an emergency clause.

Was taken up.

Senator Pearce assumed the Chair.

On motion of Senator Rupp, **SB 976** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senator Barnitz—1

Absent—Senator Purgason—1

Absent with leave—Senators

Crowell McKenna—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

#### YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		



NAYS—Senator Barnitz—1

Absent—Senator Purgason—1

Absent with leave—Senators

Crowell McKenna—2

Vacancies—None

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 971**, introduced by Senator Lembke, entitled:

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to cord blood banking.

Was taken up.

On motion of Senator Lembke, **SB 971** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators

Crowell McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

At the request of Senator Griesheimer, **SCS** for **SB 826** was placed on the Informal Calendar.

**SCS** for **SB 808**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 808

An Act to repeal sections 473.739 and 473.742, RSMo, and to enact in lieu thereof two new sections

relating to public administrators.

Was taken up by Senator Callahan.

On motion of Senator Callahan, **SCS** for **SB 808** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators

Crowell McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 877**, introduced by Senator Keaveny, entitled:

An Act to repeal sections 452.340, 454.475, 454.517, 454.557, and 454.1003, RSMo, and to enact in lieu thereof five new sections relating to child support.

Was taken up.

On motion of Senator Keaveny, **SB 877** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators

Crowell McKenna—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Keaveny, title to the bill was agreed to.

Senator Keaveny moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

**HB 1442**, with **SCS**, introduced by Representative Jones (89), et al, entitled:

An Act to repeal sections 67.1360, 94.510, 94.550, and 94.577, RSMo, and to enact in lieu thereof six new sections relating to city sales taxes.

Was taken up by Senator Nodler.

**SCS** for **HB 1442**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1442**

An Act to repeal sections 67.1000, 67.1360, 67.2000, 94.510, 94.550, and 94.577, RSMo, and to enact in lieu thereof nine new sections relating to taxes, with an emergency clause for a certain section.

Was taken up.

Senator Nodler moved that **SCS** for **HB 1442** be adopted.

Senator Nodler offered **SS** for **SCS** for **HB 1442**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1442**

An Act to repeal sections 67.1000, 67.1360, 67.1361, 67.2000, 70.220, 94.510, 94.577, and 144.030, RSMo, and to enact in lieu thereof twelve new sections relating to taxes, with an emergency clause for a certain section.

Senator Nodler moved that **SS** for **SCS** for **HB 1442** be adopted.

Senator Griesheimer offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1442, Page 3, Section 67.1000, Line 19 of said page, by inserting after all of said line the following:

**“67.1018. 1. The governing body of any county of the third classification without a township form of government and with more than five thousand nine hundred but fewer than six thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general or primary election a proposal to authorize the governing body of the county to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and fifty percent of the proceeds of such tax shall be used by the county to fund law enforcement**

with the remaining fifty percent of such proceeds to be used to fund the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of county) at a rate of ..... (insert rate of percent) percent for the benefit of the county?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters of the county voting on the question.”; and

Further amend said bill, page 37, section 94.832, line 4 of said page, by striking “one-half of one” and inserting in lieu thereof the following: “five”; and

Further amend said bill, page 39, section 94.832, line 8 of said page, by inserting immediately after said line the following:

“94.840. 1. The governing body of any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city for the promotion, operation, and development of tourism and convention facilities. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of ..... (insert rate of percent) percent for the purpose of the promotion, operation, and development of tourism and convention facilities?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized

by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

**3. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.**

94.900. 1. The governing body of any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, or any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants, **or any city of the fourth classification with more than two thousand six hundred but fewer than two thousand seven hundred inhabitants and located in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants, or any home rule city with more than forty-eight thousand but fewer than forty-nine thousand inhabitants** is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of ..... (city's name) impose a citywide sales tax of ..... (insert amount) for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for

so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

94.902. 1. The governing body of any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants, or any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants, **or any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants**, may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144, RSMo. The tax authorized in this section may be imposed in an amount of up to one-half of one percent, and shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical

providers. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall the city of ..... (city's name) impose a citywide sales tax at a rate of .....  
(insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become effective unless the proposal is resubmitted under this section to the qualified voters and such proposal is approved by a majority of the qualified voters voting on the proposal. However, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087, RSMo. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director shall keep accurate records of the amount of money in the trust fund and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may

redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days before the effective date of the repeal, and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

5. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the city) repeal the sales tax imposed at a rate of ..... (insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

6. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

**94.1011. 1. The governing body of any city of the third classification with more than three thousand five hundred but fewer than three thousand six hundred inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than three percent per occupied room per night, and shall be imposed solely for the purpose of funding the construction, maintenance, and repair of a multipurpose conference and convention center. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the**



question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue generated by the tax shall be collected by the city collector of revenue, shall be deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the city and the repeal is approved by a majority of the qualified voters voting on the question.

6. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

137.1040. 1. In addition to other levies authorized by law, the county commission in counties not adopting an alternative form of government and the proper administrative body in counties adopting an alternative form of government, or the governing body of any city, town, or village, in their discretion may levy an additional tax, not to exceed one quarter of one cent on each one hundred dollars assessed valuation, on all taxable real property located within such city, town, village, or county, all of such tax to be collected and allocated to the city, town, village, or county treasury, where it shall be known and designated as the "Cemetery Maintenance Trust Fund" to be used for the upkeep and maintenance of cemeteries located within such city, town, village, or county.

2. To the extent necessary to comply with article X, section 22(a) of the Missouri Constitution, for any city, town, village, or county with a tax levy at or above the limitations provided under article X,

section 11(b), no ordinance adopted under this section shall become effective unless the county commission or proper administrative body of the county, or governing body of the city, town, or village submits to the voters of the city, town, village, or county at a state general, primary, or special election a proposal to authorize the imposition of a tax under this section. The tax authorized under this section shall be levied and collected in the same manner as other real property taxes are levied and collected within the city, town, village, or county. Such tax shall be in addition to all other taxes imposed on real property, and shall be stated separately from all other charges and taxes. Such tax shall not become effective unless the county commission or proper administrative body of the county or governing body of the city, town, or village, by order or ordinance, submits to the voters of the county a proposal to authorize the city, town, village, or county to impose a tax under this section on any day available for such city, town, village, or county to hold elections or at a special election called for that purpose.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city, town, village, or county) impose a tax on all real property situated in ..... (name of the city, town, village, or county) at a rate of ..... (insert rate not to exceed one quarter of one cent per one hundred dollars assessed valuation) for the sole purpose of providing funds for the maintenance, upkeep, and preservation of city, town, village, or county cemeteries?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the city, town, village, or county collector. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. The tax imposed under this section shall be known as the “Cemetery Maintenance Tax”. Each city, town, village, or county imposing a tax under this section shall establish separate trust funds to be known as the “Cemetery Maintenance Trust Fund”. The city, town, village, or county treasurer shall deposit the revenue derived from the tax imposed under this section for cemetery purposes in the city, town, village, or county cemetery maintenance trust fund. The proceeds of such tax shall be appropriated by the county commission or appropriate administrative body, or the governing body of the city, town, or village exclusively for the maintenance, upkeep, and preservation of cemeteries located within the jurisdiction of such commission or body.

5. All applicable provisions in this chapter relating to property tax shall apply to the collection of any tax imposed under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1442, Page 39, Section 94.832, Line 8 of said page, by inserting after all of said line the following:

“138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

**(1) The assignment shall be deemed made when the scheduling order is first issued by the commission and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order.**

**(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.**

3. The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.

[3.] 4. The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. There shall be no presumption that the assessor's valuation is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

[4.] 5. Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

[5.] 6. All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Nodler moved that **SS** for **SCS** for **HB 1442**, as amended, be adopted, which motion prevailed.

Senator Nodler moved that **SS** for **SCS** for **HB 1442**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SS** for **SCS** for **HB 1442**, as amended, to the Committee on Government Accountability and Fiscal Oversight.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Timothy G. Dolan, Deborah S. Ellis, Gwendolyn Y. Richards, Jean Leonatti, Clara Carroll Rodriguez, Joseph S. Palm and Lois Zerrer, as members of the Alzheimer's State Plan Task Force;

Also,

Jacqueline Coleman, Democrat, as a member of the Missouri Women's Council;

Also,

Lance Mayfield, as a member of the Missouri State Employees' Voluntary Life Insurance Commission;

Also,

LeRoy Stromberg, Keith Gary, Don W. Cook and Reginal Hoskins, as members of the Missouri Workforce Investment Board;

Also,

Thomas Owen and Gregory Helbig, Republicans, as members of the State Milk Board;

Also,

Eric S. Latimer, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Kevin A. Barker, as a member of the Corrections Officer Certification Commission;

Also,

Regina Staves, as a member of the Children's Trust Fund Board.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 940**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1016**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 1007**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1014**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1741**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 1840**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **HB 1268**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 1336**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 1691**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 1677**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 1778**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 1057**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SJR 44**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS for HB 2198**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Callahan assumed the Chair.

### **REFERRALS**

President Pro Tem Shields referred **SCR 56** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **SECOND READING OF SENATE BILLS**

The following Joint Resolution was read the 2nd time and referred to the Committee indicated:

**SJR 45**—General Laws.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 2114**—Veterans' Affairs, Pensions and Urban Affairs.

**HCS for HB 1898**—Health, Mental Health, Seniors and Families.

**HB 2317**—General Laws.

**HCS for HB 1848**—Agriculture, Food Production and Outdoor Resources.

**HB 1640**—Governmental Accountability and Fiscal Oversight.

**HB 1894**—Health, Mental Health, Seniors and Families.

**HB 2294**—Financial and Governmental Organizations and Elections.

**HCS for HB 1747**—Agriculture, Food Production and Outdoor Resources.

**HB 1372**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 1965**—General Laws.

**HCS for HB 1806**—Jobs, Economic Development and Local Government.

**HCS for HB 1893**—General Laws.

**HB 2220**—Financial and Governmental Organizations and Elections.

**HCS for HB 2297**—Jobs, Economic Development and Local Government.

### **RESOLUTIONS**

Senator Lager offered Senate Resolution No. 2086, regarding the Savannah High School Quiz Bowl Team, which was adopted.

Senator Lager offered Senate Resolution No. 2087, regarding the Fiftieth Wedding Anniversary of Reverend and Mrs. Cesar Paniamogan, Ridgeway, which was adopted.

Senator Lager offered Senate Resolution No. 2088, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Black, Ridgeway, which was adopted.

Senator Lager offered Senate Resolution No. 2089, regarding Emerson Wayne Morrison, Hamilton, which was adopted.

Senator Lager offered Senate Resolution No. 2090, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vernon Buckner, Humphreys, which was adopted.

Senator Lager offered Senate Resolution No. 2091, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Antle, which was adopted.

Senator Lager offered Senate Resolution No. 2092, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry Hayen, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 2093, regarding The S.T.A.R. (Students Taking Action in our Region) Project, Union Star R-II School District, which was adopted.

Senator Lager offered Senate Resolution No. 2094, regarding Dannen Merrill, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Pearce introduced to the Senate, Daniel Huffman, his mother, Joyce and Shirley Beeker, Warrensburg.

Senator Bartle introduced to the Senate, Missouri Teacher of the Year, Susanne Mitko, Bernard Campbell Middle School, Lee's Summit.

Senator Engler introduced to the Senate, the Physician of the Day, Dr. Gregory K. Terpstra, D.O., Potosi.

Senator Wright-Jones introduced to the Senate, representatives of St. Louis Children's Hospital.

Senator Schaefer introduced to the Senate, Jen Pierce and fourth grade students from Good Shepherd Lutheran School, Columbia.

Senator Dempsey introduced to the Senate, Missouri State Track Coach of the Year, Darryl Levy from Hazelwood East School, and his wife Karen, St. Peter's.

Senator Cunningham introduced to the Senate, Homeschool National Champion girls basketball team.  
On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, April 12, 2010.

## SENATE CALENDAR

---

FIFTIETH DAY—MONDAY, APRIL 12, 2010

---

## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)	SS for SCS for SB 884-Schaefer
SJR 20-Bartle (In Fiscal Oversight)	(In Fiscal Oversight)
SB 779-Bartle (In Fiscal Oversight)	SCS for SB 622-Shoemyer (In Fiscal Oversight)
SCS for SB 944-Shields (In Fiscal Oversight)	SS for SCS for SB 734-Pearce
SB 816-Lembke (In Fiscal Oversight)	(In Fiscal Oversight)
SB 1026-Rupp (In Fiscal Oversight)	

### SENATE BILLS FOR PERFECTION

SB 943-Shields	SB 1007-Dempsey
SB 631-Cunningham, with SCS	SB 1014-Bartle, with SCS
SB 940-Pearce	SB 1057-Shields
SB 1016-Mayer, with SCS	SJR 44-Shields

### HOUSE BILLS ON THIRD READING

HCS for HJR 86, with SCS (Stouffer)	HB 1677-Hoskins (80), with SCS
(In Fiscal Oversight)	HB 1778-Walton Gray, et al, with SCS
HB 1741-Pratt	HCS for HB 2198, with SCS

## INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SCS for SB 826-Griesheimer	SB 1001-Griesheimer
----------------------------	---------------------



## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SB 868-Shields
SB 587-Nodler and Cunningham, with SCS & SA 1 (pending)	SB 878-Lembke, with SCS (pending)
SB 596-Callahan, with SCS (pending)	SBs 880, 780 & 836-Schaefer, with SCS
SB 606-Stouffer	SBs 895, 813, 911, 924, 922 & 802-Dempsey, et al, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)
SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)	SB 896-Shields and Crowell, with SA 1 (pending)
SB 698-Griesheimer, with SCS, SS for SCS & SA 1 (pending)	SB 905-Bray, et al, with SCS & SS for SCS (pending)
SB 705-Griesheimer	SB 999-Schaefer
SB 714-Crowell, with SS (pending)	SB 1017-Mayer, with SCS (pending)
SB 738-Crowell, with SCS	SJR 22-Callahan
SB 747-Rupp, et al, with SA 1 (pending)	SJR 25-Cunningham, et al, with SCS, SS#2 for SCS & SA 5 (pending)
SB 784-Schaefer and Pearce	SJR 29-Purgason and Cunningham, with SCS & SS#2 for SCS (pending)
SB 792-Dempsey and Rupp, with SS (pending)	SJR 31-Scott
SB 793-Mayer, et al, with SCS, SA 1 & SA 1 to SA 1 (pending)	SJR 33-Bartle, with SA 1 (pending)
SB 797-Green	SJR 34-Goodman, et al, with SA 1 (pending)
SB 810-Lager, with SCS	SJR 38-Ridgeway
SB 818-Lembke, with SCS (pending)	SJR 40-Goodman, with SA 1 (pending)
SB 839-Wright-Jones, with SCS	
SB 852-Lager, et al, with SS, SA 1 & SSA 1 for SA 1 (pending)	

## HOUSE BILLS ON THIRD READING

SS for SCS for HB 1442-Jones (89), et al (Nodler) (In Fiscal Oversight)	HCS#2 for HB 1472 (Schaefer)
---	------------------------------

## CONSENT CALENDAR

## House Bills

## Reported 4/8

HCS for HB 1840	HB 1336-Brandom, et al (Days)
HB 1268-Meiners	HB 1691-Kraus, et al (Pearce)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HB 2014, with SCS, as amended (Mayer)  
(Senate requests House take up and pass the bill)

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)  
SCR 52-Lager  
HCS for HCRs 34 & 35 (Schmitt)

To be Referred

SCR 57-Ridgeway  
SCR 58-Wright-Jones

SCR 59-Rupp

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTIETH DAY—MONDAY, APRIL 12, 2010**

---

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“If you look for truth, you may find comfort in the end; if you look for comfort you will not get either comfort or truth...” (C.S. Lewis)

Gracious God, it is appropriate for us to heed this saying for this is not a time to seek comfort for it is a stressful time that only can be relieved by working together to find the most fair and balanced solutions that produce the most effective and helpful outcomes. So bless us with wisdom and energy to seek Your will for us and work together to fulfill it, and help us Lord to live it daily with each other. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 8, 2010 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Vogel offered Senate Resolution No. 2095, regarding Dr. Mar Doering, which was adopted.

Senator Vogel offered Senate Resolution No. 2096, regarding Mark S. Schreiber, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2097, regarding Candlewood Suites, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2098, regarding Lodge of the Four Seasons, Lake Ozark, which was adopted.

Senator Engler offered Senate Resolution No. 2099, regarding Patricia Pinkley, which was adopted.

Senator Engler offered Senate Resolution No. 2100, regarding Mary Jo Teets, which was adopted.

Senator Engler offered Senate Resolution No. 2101, regarding Clara Province, which was adopted.

Senator Engler offered Senate Resolution No. 2102, regarding Ava Simnitt, which was adopted.

Senator Engler offered Senate Resolution No. 2103, regarding Denise Redinger, which was adopted.

Senator Engler offered Senate Resolution No. 2104, regarding Charlotte Elaine Gordon, which was adopted.

Senator Engler offered Senate Resolution No. 2105, regarding Mike Crabtree, which was adopted.

Senator Engler offered Senate Resolution No. 2106, regarding Joseph Lee, which was adopted.

Senator Engler offered Senate Resolution No. 2107, regarding Dr. Damon Gamble, which was adopted.

Senator Engler offered Senate Resolution No. 2108, regarding Glenda Pulley, which was adopted.

Senator Bartle offered Senate Resolution No. 2109, regarding Jacob P. Trotter, Lake Lotawana, which was adopted.

Senator Bartle offered Senate Resolution No. 2110, regarding the One Hundred Fiftieth Anniversary of First Baptist Church, Lee's Summit, which was adopted.

Senator Rupp offered Senate Resolution No. 2111, regarding Super 8 Hotel, Troy, which was adopted.

Senator Rupp offered Senate Resolution No. 2112, regarding Dr. Terry Adams, Wentzville R-IV School District, which was adopted.

Senator Cunningham offered Senate Resolution No. 2113, regarding Venus Paytocan, Hazelwood School District, which was adopted.

Senator Rupp offered Senate Resolution No. 2114, regarding Michael Aaron Carter, which was adopted.

Senators Scott and Pearce offered Senate Resolution No. 2115, regarding the 2009-2010 Class 1 State Champion Montrose High School Lady Bluejays Basketball team, which was adopted.

Senator Barnitz offered Senate Resolution No. 2116, regarding Rolla Lions Club, which was adopted.

Senator Barnitz offered Senate Resolution No. 2117, regarding the Ninetieth Birthday of Edward Handley Haydon, Branson, which was adopted.

Senator Barnitz offered Senate Resolution No. 2118, regarding Chandler Edwin Gruener, St. James,

which was adopted.

Senator Cunningham offered Senate Resolution No. 2119, regarding Jenna Wade, which was adopted.

Senator Barnitz offered Senate Resolution No. 2120, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wilfred C. Luebbert, Rich Fountain, which was adopted.

Senator Engler offered Senate Resolution No. 2121, regarding Matthew Edward Blum, DeSoto, which was adopted.

Senator Engler offered Senate Resolution No. 2122, regarding Patricia M. Henson, Belleview R-III School District, which was adopted.

Senator Engler offered Senate Resolution No. 2123, regarding Gleora Manley, Belleview R-III School District, which was adopted.

Senator Bray offered Senate Resolution No. 2124, regarding Doubletree St. Louis at Westport, which was adopted.

Senator Bray offered Senate Resolution No. 2125, regarding Sheraton Westport Lakeside Village, which was adopted.

Senator Bray offered Senate Resolution No. 2126, regarding Hilton St. Louis Frontenac, which was adopted.

Senator Bray offered Senate Resolution No. 2127, regarding Homewood Suites, Richmond Heights, which was adopted.

Senator Bray offered Senate Resolution No. 2128, regarding Sheraton Westport Plaza, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2129, regarding Southside Wellness Center, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2130, regarding Earl Wilson, Jr., Saint Louis, which was adopted.

Senator Lager offered Senate Resolution No. 2131, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Armand Peterson, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 2132, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bart Shaw, Trenton, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 815**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended for **HCS** for **HB 2014** and has taken up and passed **SCS** for **HCS** for **HB 2014**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 88**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to state sovereignty.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 1543**, entitled:

An Act to repeal sections 160.261, 160.400, 160.420, 160.660, 160.775, 161.209, 161.650, 167.018, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.221, 177.161, 177.171, and 210.102, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elementary and secondary education, with penalty provisions, with an effective date for a certain section and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1787**, entitled:

An Act to repeal sections 407.500, 407.505, 563.011, 563.031, 571.030, 571.101, 571.104, and 571.107, RSMo, and to enact in lieu thereof eight new sections relating to criminal justice, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2048**, entitled:

An Act to repeal sections 105.716 and 144.083, RSMo, and to enact in lieu thereof six new sections relating to sales tax collection, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 8, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christine J. Bierman, Democrat, 58 Stoneleigh Towers, Saint Louis, Saint Louis County, Missouri 63132, as a member of the Missouri Women's Council, for a term ending December 6, 2011, and until her successor is duly appointed and qualified; vice, Lorene James, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 8, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kenneth A. Haller, 4146 Flora Place, Saint Louis City, Missouri 63110, as a member of the Drug Utilization Review Board, for a term ending October 15, 2012, and until his successor is duly appointed and qualified; vice, David Campbell, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 8, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Nancy S. Maus, 12826 West State Highway TT, Republic, Greene County, Missouri 65738, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2014, and until her successor is duly appointed and qualified; vice, Tia Strait, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 8, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Allen Nelson, 1940 South Maple Tree Lane, Bolivar, Polk County, Missouri 65613, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2011 and until his successor is duly appointed and qualified; vice, Robert O'Dell, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

April 8, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kirk A. Nelson, 2515 Peppermill Lake Court, Wildwood, Saint Louis County, Missouri 63005, as a member of the Drug Utilization Review Board, for a term ending October 15, 2012, and until his successor is duly appointed and qualified; vice, Joseph Yasso, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

April 8, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Russell C. Still, Democrat, 2000 South Country Club Drive, Columbia, Boone County, Missouri 65201, as a member of the State Board of Education, for a term ending March 17, 2017, and until his successor is duly appointed and qualified; vice, Russell Thompson, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

April 8, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Greg L. Roberts, Democrat, #9 Chesterfield Lakes Road, Chesterfield, Saint Louis County, Missouri 63005, as a member of the State Committee of Marital and Family Therapists for a term ending January 26, 2014, and until his successor is duly appointed and qualified; vice, Lois Linton, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,



GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

April 8, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jacqueline A. Swinnie, 1314 Eaglebrooke Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2011 and until her successor is duly appointed and qualified; vice, Christine Gardner, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

April 8, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dale D. Turvey, 16601 Kehrsgrrove Drive, Chesterfield, Saint Louis County, Missouri 63005, as a member of the Missouri State Employees' Voluntary Life Insurance Commission for a term ending October 7, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

April 8, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Tommy J. Waddell, Republican, 1924 Lake Terrace, Independence, Jackson County, Missouri 64055, as a member of the Dam and Reservoir Safety Council, for a term ending April 03, 2012, and until his successor is duly appointed and qualified; vice, William Shumake, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

April 8, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Angela Wasson-Hunt, 412 Northwest 43rd Terrace, Kansas City, Jackson County, Missouri 64116, as a member of the Kansas City Board of Police Commissioners, for a term ending March 07, 2014 and until her successor is duly appointed and qualified; vice, Mark Thompson, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

### **THIRD READING OF SENATE BILLS**

**SCS** for **SB 826**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 826**

An Act to repeal sections 115.305, 115.342, 115.346, 321.130, 321.552, and 321.711, RSMo, and to enact in lieu thereof six new sections relating to the imposition of a sales tax by ambulance and fire protection districts in certain counties.

Was taken up by Senator Griesheimer.

At the request of Senator Griesheimer, **SCS** for **SB 826** was placed on the Informal Calendar. Senator Griesheimer assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

**SB 943** was placed on the Informal Calendar.

**SB 631**, with **SCS**, was placed on the Informal Calendar.

Senator Pearce moved that **SB 940** be taken up for perfection, which motion prevailed.

On motion of Senator Pearce, **SB 940** was declared perfected and ordered printed.

Senator Cunningham moved that **SB 631**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 631**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 631**

An Act to repeal sections 37.710, 160.261, 168.021, 168.071, 168.133, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof sixteen new sections relating to protecting children from sexual offenders, with penalty provisions.

Was taken up.

Senator Pearce assumed the Chair.

Senator Cunningham moved that **SCS** for **SB 631** be adopted.

Senator Days offered **SA 1**, which was read:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 631, Page 34, Section 556.037, Line 3, by striking the opening bracket “[” immediately before the word “must”; and further amend said line by striking the closing bracket “]” immediately after the word “must”; and further amend said line by striking the word “may”; and further amend said line by striking the opening bracket “[” immediately before the word “within”; and further amend said line by striking the word “twenty” and inserting in lieu thereof the following: “**thirty**”; and further amend said bill and section, line 6, by striking the closing bracket “]” immediately after the word “commenced”.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SCS** for **SB 631**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **SB 631**, as amended, was declared perfected and ordered printed.

Senator Crowell moved that **SB 714**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SB 714** was again taken up.

Senator Crowell offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 714, Page 15, Section 104.1091, Lines 17-20 of said page, by striking said lines and inserting in lieu thereof the following: “**provisions of section 104.081, such member's attainment of at least age sixty or, the attainment of at least age fifty-five with ten years of credited service;**”; and

Further amend said bill and section, Page 16, Line 9 of said page, by inserting after “ninety” the following: “**; or in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, the temporary annuity shall be payable if the member has attained at least age sixty, or at least age fifty-five with ten years of credited service**”; and further amend line 10 of said page, by inserting after “member” the following: “**, other than a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081,**”; and further amend lines 12 to 16 of said page, by striking said lines and inserting in lieu thereof the following: “**completion of at least ten years of**”; and

Further amend said bill and section, Page 19, Lines 24 to 28 of said page, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 714, Page 23, Section 104.1500, Line 15 of said page, by inserting after “subjects.” the following: “**The governor shall have the right to reject any or all persons recommended by the executive directors or by the board members. In the event the governor rejects any or all persons recommended by the executive directors or by the board members, the executive**

**directors or the board members shall submit a list of two persons, not previously recommended, for each position on the board that remains vacant. This process shall continue until no position remains vacant.”.**

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

Senator Crowell moved that **SS** for **SB 714**, as amended, be adopted, which motion prevailed.

On motion of Senator Crowell, **SS** for **SB 714**, as amended, was declared perfected and ordered printed.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Mayer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2001**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2002**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2004**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2005**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2006**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2007**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2009**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2010**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2011**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2012**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2013**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 940** and **SCS** for **SB 631**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Shields referred **SCR 57**, **SCR 58** and **SCR 59** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCRs 25, 29** and **39**.

HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE CONCURRENT RESOLUTION NOS. 25, 29 & 39

Whereas, in the American system, sovereignty is defined as final authority, and the people, not government, are sovereign; and

Whereas, the people of the state of Missouri are not united with the people of the other forty-nine states that comprise the United States of America on a principle of unlimited submission to their federal government; and

Whereas, all power not delegated by the people to government is retained; and

Whereas, the people of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes only; and

Whereas, this resolution affirms Missouri's sovereignty under the Tenth Amendment to the Constitution of the United States and demands the federal government to halt its practice of assuming powers and imposing mandates upon the state for purposes not enumerated by the Constitution of the United States; and

Whereas, Article I, Section 1 of the Missouri Constitution states:

“That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.”; and

Whereas, the Tenth Amendment to the Constitution of the United States reads as follows:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”; and

Whereas, the Tenth Amendment to the Constitution of the United States assures that each sovereign State possesses rights the federal government may not usurp; and

Whereas, the Tenth Amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas, the First Amendment to the Constitution guarantees to “the right of the people...to petition the Government for a redress of grievances”; and

Whereas, today, in 2010, the states are demonstrably treated as agents of the federal government; and

Whereas, many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas, Article IV, Section 4 of the Constitution of the United States reads that “The United States shall guarantee to every State in this Union a Republican Form of Government” and the Ninth Amendment to the Constitution of the United States reads that “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”; and

Whereas, the United States Supreme Court has ruled in *New York v. United States*, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States and the Missouri Constitution:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and

Be it further resolved that this concurrent resolution serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers; and

Be it further resolved that all compulsory federal legislation which directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed; and

Be it further resolved that the sovereign State of Missouri reserves the right to declare any such Act void by the Congress of the United States, Executive Order of the President of the United States of America, or Judicial Order by the Judicatories of the United States of America which assumes a power not delegated to the government of the United States of America by the Constitution of the United States of America and which serves to diminish the liberty of any of the several States or their citizens are unconstitutional under the Constitution of the United States of America by the government of the United States of America; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of

Representatives, the Speaker of the House of Representatives and President of the Senate of each state's legislature, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

### COMMUNICATIONS

Senator Crowell submitted the following:

April 12, 2010

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building - Room 325  
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

**HCS for HB1840** - Modifies criteria for certain representatives on the Rice Advisory Council

**HB1268** - Requires the Governor to issue an annual proclamation designating November 16 as "Adenoid Cystic Carcinoma Awareness Day"

**HB1336** - Requires the Governor to issue an annual proclamation designating March 12 as "Girl Scout Day"

**HB1691** - Requires the Governor to issue annual proclamations designating "Walk & Bike to School Month," "Walk & Bike to School Day," "Missouri Bicycle Month," and "Bike to Work Week".

Sincerely,  
/s/ Jason G. Crowell  
Jason G. Crowell  
State Senator

### INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, representatives of Ozark Bible Institute, Neosho.

On behalf of Senator Pearce, the President introduced to the Senate, Sheriff Dwight Diehl, Cass County.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Tuesday, April 13, 2010.

### SENATE CALENDAR

---

FIFTY-FIRST DAY—TUESDAY, APRIL 13, 2010

---

### FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HJR 88-Nieves, et al  
HCS#2 for HB 1543

HCS for HB 1787  
HCS for HB 2048

## THIRD READING OF SENATE BILLS

- |  |  |
|--|--|
| 1. SB 627-Justus (In Fiscal Oversight)                     | 8. SCS for SB 622-Shoemyer<br>(In Fiscal Oversight)      |
| 2. SJR 20-Bartle (In Fiscal Oversight)                     | 9. SS for SCS for SB 734-Pearce<br>(In Fiscal Oversight) |
| 3. SB 779-Bartle (In Fiscal Oversight)                     | 10. SCS for SB 815-Bartle                                |
| 4. SCS for SB 944-Shields<br>(In Fiscal Oversight)         | 11. SB 940-Pearce  |
| 5. SB 816-Lembke (In Fiscal Oversight)                     | 12. SCS for SB 631-Cunningham                            |
| 6. SB 1026-Rupp (In Fiscal Oversight)                      |  |
| 7. SS for SCS for SB 884-Schaefer<br>(In Fiscal Oversight) |  |

## SENATE BILLS FOR PERFECTION

- |                          |                 |
|--------------------------|-----------------|
| SB 1016-Mayer, with SCS  | SB 1057-Shields |
| SB 1007-Dempsey          | SJR 44-Shields  |
| SB 1014-Bartle, with SCS |                 |

## HOUSE BILLS ON THIRD READING

- |   |                                       |
|---|---------------------------------------|
| 1. HCS for HJR 86, with SCS (Stouffer)<br>(In Fiscal Oversight) | 10. HCS for HB 2005, with SCS (Mayer) |
| 2. HB 1741-Pratt  | 11. HCS for HB 2006, with SCS (Mayer) |
| 3. HB 1677-Hoskins (80), with SCS (Days)                        | 12. HCS for HB 2007, with SCS (Mayer) |
| 4. HB 1778-Walton Gray, et al, with SCS                         | 13. HCS for HB 2008, with SCS (Mayer) |
| 5. HCS for HB 2198, with SCS (Griesheimer)                      | 14. HCS for HB 2009, with SCS (Mayer) |
| 6. HCS for HB 2001, with SCS (Mayer)                            | 15. HCS for HB 2010, with SCS (Mayer) |
| 7. HCS for HB 2002, with SCS (Mayer)                            | 16. HCS for HB 2011, with SCS (Mayer) |
| 8. HCS for HB 2003, with SCS (Mayer)                            | 17. HCS for HB 2012, with SCS (Mayer) |
| 9. HCS for HB 2004, with SCS (Mayer)                            | 18. HCS for HB 2013, with SCS (Mayer) |

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

- |                            |                     |
|----------------------------|---------------------|
| SCS for SB 826-Griesheimer | SB 1001-Griesheimer |
|----------------------------|---------------------|

## SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 579-Shields, with SCS                                   | SB 596-Callahan, with SCS<br>(pending) |
| SB 587-Nodler and Cunningham, with SCS &<br>SA 1 (pending) | SB 606-Stouffer                        |



SBs 607, 602, 615 & 725-Stouffer, with  
SCS & SA 1 (pending)  
SB 698-Griesheimer, with SCS, SS for SCS  
& SA 1 (pending)  
SB 705-Griesheimer  
SB 738-Crowell, with SCS  
SB 747-Rupp, et al, with SA 1 (pending)  
SB 784-Schaefer and Pearce  
SB 792-Dempsey and Rupp, with SS (pending)  
SB 793-Mayer, et al, with SCS, SA 1 & SA 1 to  
SA 1 (pending)  
SB 797-Green  
SB 810-Lager, with SCS  
SB 818-Lembke, with SCS (pending)  
SB 839-Wright-Jones, with SCS  
SB 852-Lager, et al, with SS, SA 1 &  
SSA 1 for SA 1 (pending)  
SB 868-Shields  
SB 878-Lembke, with SCS (pending)  
SBs 880, 780 & 836-Schaefer, with SCS  
SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS, SS for  
SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
SSA 1 for SA 1 (pending)

SB 896-Shields and Crowell, with SA 1  
(pending)  
SB 905-Bray, et al, with SCS & SS for  
SCS (pending)  
SB 943-Shields  
SB 999-Schaefer  
SB 1017-Mayer, with SCS (pending)  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS, SS#2  
for SCS & SA 5 (pending)  
SJR 29-Purgason and Cunningham, with SCS  
& SS#2 for SCS (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1  
(pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

### HOUSE BILLS ON THIRD READING

SS for SCS for HB 1442-Jones (89), et al  
(Nodler) (In Fiscal Oversight)

HCS#2 for HB 1472 (Schaefer)

### RESOLUTIONS

#### Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)  
SCR 52-Lager  
HCS for HCRs 34 & 35 (Schmitt)

#### To be Referred

HCS for HCRs 25, 29 & 39

✓

# Journal of the Senate

SECOND REGULAR SESSION

---

**FIFTY-FIRST DAY—TUESDAY, APRIL 13, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“As a man thinks in his heart, so he is.” (Proverbs 23:17)

Holy Father, hear our prayer this morning as we work together, facing a month to complete what must be done. May Your thoughts be our thoughts and may You provide us direction and grace through these difficult times. May Your thoughts of kindness and mercy cover us and help us submit to following Your will for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Pro Tem Shields assumed the Chair.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **SCS** for **HCS** for **HB 2014**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

President Kinder assumed the Chair.

### **RESOLUTIONS**

Senator Bray offered Senate Resolution No. 2133, regarding Morgan Zuhler, Ross Elementary School, Parkway School District, which was adopted.

Senator McKenna offered Senate Resolution No. 2134, regarding the Aftershock Program, Ridgewood Middle School, Fox C-6 School District, which was adopted.

Senator McKenna offered Senate Resolution No. 2135, regarding Mathew Riva, Seckman High School, Fox C-6 School District, which was adopted.

Senator McKenna offered Senate Resolution No. 2136, regarding Fox High School Student Council, Fox C-6 School District, which was adopted.

Senator Mayer offered Senate Resolution No. 2137, regarding Beverly Sue Christian, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 2138, regarding Sam Anderson, which was adopted.

Senator Mayer offered Senate Resolution No. 2139, regarding Paul A. VanPraag, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2140, regarding Karyn Terese Vilbig, Ellisville, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2141, regarding Megan Barbara Tucker, St. Peters, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2142, regarding Kathleen Ticona, O'Fallon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2143, regarding Courtney Lynn Russell, Florissant, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2144, regarding Kristen Lane Rechtlich, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2145, regarding Lindsay Christine Peters, Ballwin, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2146, regarding Easter Dora Morgan, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2147, regarding Abigail Hadley MacDonald, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2148, regarding Emily Suzanne Robinson, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2149, regarding Shannon Nicole Horner, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2150, regarding Rachel Erin McNeill, O'Fallon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2151, regarding Maria Nicole Merton, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2152, regarding Katherine Anna Schreiber, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2153, regarding Jennifer Ashley Barnes, Festus, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2154, regarding Michelle Steele, Festus, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2155, regarding Jessica Lynn Dantin, O'Fallon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2156, regarding Miranda Sue Sires, Lake St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2157, regarding Claire Suzanne Alfermann, Washington, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2158, regarding Julie Marie Seliga, Washington, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2159, regarding Stephanie Marie Meritt, Florissant, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2160, regarding Gretchen Kathleen Spanel, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2161, regarding Rose Anna Glastetter, Washington, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2162, regarding Melissa Marie Buechlein, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2163, regarding Caitlin Alexandra Bigham, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2164, regarding Ashley Michelle Guinn, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2165, regarding Emma Marie Fritz, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2166, regarding Andrea Christine Greenwalt,

Festus, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2167, regarding Tara Carin Donelson, Wildwood, which was adopted.

### SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 943** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Shields offered **SS** for **SB 943**, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 943

An Act to repeal sections 163.011, 163.031, 163.036, 168.500, 168.505, 168.510, and 168.515, RSMo, and to enact in lieu thereof four new sections relating to state funding for elementary and secondary education, with an emergency clause for certain sections.

Senator Shields moved that **SS** for **SB 943** be adopted.

Senator Pearce assumed the Chair.

Senator Stouffer assumed the Chair.

Senator Dempsey assumed the Chair.

Senator Cunningham offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 943, Page 14, Section 163.031, Line 2, by striking the second occurrence of the word “the”; and further amend lines 3-9, by striking all of said lines from the bill; and further amend line 10, by striking the following: “of this paragraph,”; and

Further amend said bill and section, page 15, line 23, by striking the second occurrence of the word “the”; and further amend lines 24-28, by striking all of said lines from the bill; and further amend said bill and section, page 16, lines 1-2, by striking all of said lines from the bill; and further amend line 3, by striking the following: “of this paragraph,”; and

Further amend said bill and section, page 21, lines 9-12, by striking all of said lines from the bill and inserting in lieu thereof the following: “**The department**”.

Senator Cunningham moved that the above amendment be adopted.

Senator Bartle requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Bray, Crowell, Goodman and Rupp.

**SA 1** failed of adoption by the following vote:

YEAS—Senators

Bray	Crowell	Cunningham	Dempsey	Keaveny	Lembke	Ridgeway	Schmitt
Shields	Vogel—10						

## NAYS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Days	Engler	Goodman
Green	Justus	Lager	Mayer	Nodler	Pearce	Purgason	Rupp
Schaefer	Scott	Shoemyer	Stouffer	Wilson	Wright-Jones—22		

## Absent—Senators

Griesheimer      McKenna—2

Absent with leave—Senators—None

Vacancies—None

Senator Barnitz offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 943, Pages 1-11, Section 163.011, by striking all of said section from the bill; and

Further amend said bill, page 16, section 163.031, line 15, by striking the opening bracket “[” immediately before the following: “; the”; and further amend said section and page, line 17, by striking the closing bracket “]” immediately after “RSMo”; and

Further amend said bill, page 29, section 163.500, line 18, by inserting after all of said line the following:

“168.500. 1. For the purpose of providing career pay, which shall be a salary supplement, for public school teachers, which for the purpose of sections 168.500 to 168.515 shall include classroom teachers, librarians, guidance counselors and certificated teachers who hold positions as school psychological examiners, parents as teachers educators, school psychologists, special education diagnosticians and speech pathologists, and are on the district salary schedule, there is hereby created and established a career advancement program which shall be known as the “Missouri Career Development and Teacher Excellence Plan”, hereinafter known as the “career plan or program”. Participation by local school districts in the career advancement program established under this section shall be voluntary. The career advancement program is a matching fund program of variable match rates. The general assembly [shall] **may** make an annual appropriation to the excellence in education fund established under section 160.268, RSMo, for the purpose of providing the state's portion for the career advancement program. The “Career Ladder Forward Funding Fund” is hereby established in the state treasury. Beginning with fiscal year 1998 and until the career ladder forward funding fund is terminated pursuant to this subsection, the general assembly [shall] **may** appropriate funds to the career ladder forward funding fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All interest or other gain received from investment of moneys in the fund shall be credited to the fund. All funds deposited in the fund shall be maintained in the fund until such time as the balance in the fund at the end of the fiscal year is equal to or greater than the appropriation for the career ladder program for the following year, at which time all such revenues shall be used to fund, in advance, the career ladder program for such following year and the career ladder forwarding funding fund shall thereafter be terminated.

2. The department of elementary and secondary education, at the direction of the commissioner of

education, shall study and develop model career plans which shall be made available to the local school districts. These state model career plans shall:

(1) Contain three steps or stages of career advancement;

(2) Contain a detailed procedure for the admission of teachers to the career program;

(3) Contain specific criteria for career step qualifications and attainment. These criteria shall clearly describe the minimum number of professional responsibilities required of the teacher at each stage of the plan and shall include reference to classroom performance evaluations performed pursuant to section 168.128;

(4) Be consistent with the teacher certification process recommended by the Missouri advisory council of certification for educators and adopted by the department of elementary and secondary education;

(5) Provide that public school teachers in Missouri shall become eligible to apply for admission to the career plans adopted under sections 168.500 to 168.515 after five years of public school teaching in Missouri. All teachers seeking admission to any career plan shall, as a minimum, meet the requirements necessary to obtain the first renewable professional certificate as provided in section 168.021;

(6) Provide procedures for appealing decisions made under career plans established under sections 168.500 to 168.515.

3. The commissioner of education shall cause the department of elementary and secondary education to establish guidelines for all career plans established under this section, and criteria that must be met by any school district which seeks funding for its career plan.

4. A participating local school district may have the option of implementing a career plan developed by the department of elementary and secondary education or a local plan which has been developed with advice from teachers employed by the district and which has met with the approval of the department of elementary and secondary education. In approving local career plans, the department of elementary and secondary education may consider provisions in the plan of the local district for recognition of teacher mobility from one district to another within this state.

5. The career plans of local school districts shall not discriminate on the basis of race, sex, religion, national origin, color, creed, or age. Participation in the career plan of a local school district is optional, and any teacher who declines to participate shall not be penalized in any way.

6. In order to receive funds under this section, a school district which is not subject to section 162.920, RSMo, must have a total levy for operating purposes which is in excess of the amount allowed in section 11(b) of article X of the Missouri Constitution; and a school district which is subject to section 162.920, RSMo, must have a total levy for operating purposes which is equal to or in excess of twenty-five cents on each hundred dollars of assessed valuation.

7. The commissioner of education shall cause the department of elementary and secondary education to regard a speech pathologist who holds both a valid certificate of license to teach and a certificate of clinical competence to have fulfilled the standards required to be placed on stage III of the career program, provided that such speech pathologist has been employed by a public school in Missouri for at least five years and is approved for placement at such stage III by the local school district.

**8. Beginning in fiscal year 2012, the state portion of career ladder payments shall only be made available to local school districts if the general assembly makes an appropriation for such program.**

**Payments authorized under sections 168.500 to 168.515 shall only be made available in a year for which a state appropriation is made. Any state appropriation shall be made prospectively in relation to the year in which work under the program is performed.**

**9. Nothing in this section shall be construed to prohibit a local school district from funding the program for its teachers, for work performed in years for which no state appropriation is made available.**

168.515. 1. Each teacher selected to participate in a career plan established under sections 168.500 to 168.515, who meets the requirements of such plan, [shall] **may** receive a salary supplement, the state's share of which shall be distributed under section 163.031, RSMo, equal to the following amounts applied to the career ladder entitlement of section 163.031, RSMo:

(1) Career stage I teachers may receive up to an additional one thousand five hundred dollars per school year;

(2) Career stage II teachers may receive up to an additional three thousand dollars per school year;

(3) Career stage III teachers may receive up to an additional five thousand dollars per school year. All teachers within each stage within the same school district shall receive equal salary supplements.

2. The state [shall] **may** make payments pursuant to section 163.031, RSMo, to the local school district for the purpose of [reimbursing] **providing funding to** the local school district for the payment of any salary supplements provided for in this section, subject to the availability of funds as appropriated each year and distributed on a variable match formula which shall be based on assessed valuation of the district for the second preceding school year.

3. In distributing these matching funds, school districts shall be ranked by the assessed valuation for the second preceding school year per weighted average daily attendance from the highest to the lowest and divided into three groups. Group one shall contain the highest twenty-five percent of all public school districts, groups two and three combined shall contain the remaining seventy-five percent of all public school districts. The districts in groups two and three shall be rank-ordered from largest to smallest based on enrollment as of the last Wednesday in September during the second preceding school year, group two shall contain twenty-five percent of all public school districts that are larger on the enrollment-based rank-ordered list and group three shall contain the remaining fifty percent of all public school districts. Pursuant to subsection 4 of this section, districts in group one shall receive forty percent state funding and shall contribute sixty percent local funding, group two shall receive fifty percent state funding and shall contribute fifty percent local funding and group three shall receive sixty percent state funding and shall contribute forty percent local funding.

4. The incremental groups are as follows:

Group	Percentage of Districts	Percentage of State Funding	Percentage of Local Funding
1	25%	40%	60%
2	25%	50%	50%
3	50%	60%	40%

5. Beginning in the 1996-97 school year, any school district in any group which participated in the



career ladder program in 1995-96 and paid less than the local funding percentage required by subsection 4 of this section shall increase its local share of career ladder costs by five percentage points from the preceding year until the district pays the percentage share of cost required by subsection 4 of this section, and in no case shall the local funding percentage be increased by a greater amount for any year. For any district, the state payment shall not exceed the local payment times the state percentage share divided by the local percentage share. Except as provided in subsection 10 of this section, any district not participating in the 1995-96 school year or any district which interrupts its career ladder program for any subsequent year shall enter the program on the cost-sharing basis required by subsection 4 of this section.

6. Not less than every fourth year, beginning with calendar year 1988, the general assembly, through the joint committee established under section 160.254, RSMo, shall review the amount of the career pay provided for in this section to determine if any increases are necessary to reflect the increases in the cost of living which have occurred since the salary supplements were last reviewed or set.

7. To participate in the salary supplement program established under this section, a school district may submit to the voters of the district a proposition to increase taxes for this purpose. If a school district's current tax rate ceiling is at or above the rate from which an increase would require a two-thirds majority, the school board may submit to the voters of the district a proposition to reduce or eliminate the amount of the levy reduction resulting from section 164.013, RSMo. If a majority of the voters voting thereon vote in favor of the proposition, the board may certify that seventy-five percent of the revenue generated from this source shall be used to implement the salary supplement program established under this section.

8. In no case shall a school district use state funds received under this section nor local revenue generated from a tax established under subsection 7 of this section to comply with the minimum salary requirements for teachers established pursuant to section 163.172, RSMo.

9. Beginning in the 1996-97 school year, for any teacher who participated in the career program in the 1995-96 school year, continues to participate in the program thereafter, and remains qualified to receive career pay pursuant to section 168.510, the state's share of the teacher's salary supplement shall continue to be the percentage paid by the state in the 1995-96 school year, notwithstanding any provisions of subsection 4 of this section to the contrary, and the state shall continue to pay such percentage of the teacher's salary supplement until any of the following occurs:

(1) The teacher ceases his or her participation in the program; or

(2) The teacher suspends his or her participation in the program for any school year after the 1995-96 school year. If the teacher later resumes participation in the program, the state funding shall be subject to the provisions of subsection 4 of this section.

10. Any school district that participated in the career ladder program prior to the 2001-02 school year but ceased its participation at any time from July 1, 2001, to July 1, 2005, may resume participation in the program no later than July 1, 2006, at the same matching level, pursuant to subsections 4 and 5 of this section, for which the district qualified during its last year of participation.”; and

Further amend said bill, pages 29-31, section 168.500, by striking all of said section from the bill; and

Further amend pages 31-32, section 168.505, by striking all of said section from the bill; and

Further amend page 32, section 168.510, by striking all of said section from the bill; and

Further amend pages 32-35, section 168.515, by striking all of said section from the bill; and

Further amend said bill, page 35, Section B, lines 12-13 by striking all of said lines and inserting in lieu thereof the following: “163.031, 163.036, 168.500, and 168.515 of this act is deemed necessary for”; and further amend lines 17-18 by striking all of said lines and inserting in lieu thereof the following: “of sections 163.031, 163.036, 168.500, and 168.515 of this act shall”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted.

Senator Cunningham offered **SA 1** to **SA 2**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Bill No. 943, Page 5, Section 168.500, Line 11, by inserting after all of said line the following: “**10. There shall be no further payments for certification for national board teacher certification through career ladder under sections 168.500 to 168.515.**”.

Senator Cunningham moved that the above amendment be adopted.

At the request of Senator Shields, **SB 943**, with **SS**, **SA 2** and **SA 1** to **SA 2** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 714**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

**RECESS**

The time of recess having expired the Senate was called to order by Senator Stouffer.

**RESOLUTIONS**

Senator Schmitt offered Senate Resolution No. 2168, regarding Citizen Kane’s Steak House, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 2169, regarding Commander Mark D. Kesselring, United States Navy, which was adopted.

Senator Justus offered Senate Resolution No. 2170, regarding Hyatt Regency Crown Center, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 2171, regarding Westin Crown Center, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 2172, regarding Residence Inn by Marriott, Kansas City,

which was adopted.

Senator Justus offered Senate Resolution No. 2173, regarding Q Hotel & Spa, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 2174, regarding Kansas City Marriott Downtown, Kansas City, which was adopted.

Senator Champion offered Senate Resolution No. 2175, regarding LaQuinta Inn-South, Springfield, which was adopted.

Senator Lager offered Senate Resolution No. 2176, regarding Comfort Inn, Chillicothe, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2177, regarding Drury Plaza Hotel, Saint Louis, which was adopted.

Senator Bartle offered Senate Resolution No. 2178, regarding Evan Lurker, which was adopted.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 13, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Russell C. Still to the State Board of Education, submitted on April 9, 2010. Line 2 and 3 should be amended as follows:

“Missouri 65201, as a member of the State Board of Education, for a term ending July 1, 2017, and until his successor is duly appointed and qualified; vice, Russell Thompson,”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 13, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Brian P. Kelly to the Southeast Missouri State University Board of Regents, submitted on March 25, 2010. Line 1 should be amended as follows:

“Brian P. Kelly, 8721 Covington Court, Brentwood, Saint Louis County, Missouri 63144,”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above addendums to the Committee on Gubernatorial Appointments.

President Pro Tem Shields assumed the Chair.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 1498**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Stouffer assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

Senator Shields moved that **SB 943**, with **SS**, **SA 2** and **SA 1** to **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** to **SA 2** was again taken up.

Senator Cunningham moved that **SA 1** to **SA 2** be adopted, which motion failed on a standing division vote.

Senator Crowell offered **SA 2** to **SA 2**:

#### **SENATE AMENDMENT NO. 2 TO SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Substitute for Senate Bill No. 943, Page 2, Section 168.500, Lines 2-3, by striking the following: “of variable match rates”; and

Further amend said amendment, page 6, section 168.515, line 2, by striking the words “variable match formula which shall” and inserting in lieu thereof the following: “**matching basis where the percentage of state funding shall be forty percent and the percentage of local funding shall be sixty percent**”; and further amend lines 3-29, by striking all of said lines; and

Further amend said amendment, Page 7, Lines 1 to 17 of said amendment page, by striking all of said lines; and

Further amend said amendment and section, page 8, lines 13-29, by striking all of said lines; and

Further amend said amendment, page 9, lines 1-7, by striking said lines from the amendment and inserting in lieu thereof the following: “**;and**”; and renumber the subsections accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

**SA 2**, as amended, was again taken up.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 3**:

#### **SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Bill No. 943, Page 14, Section 163.031, Line 2, by inserting immediately after the words “than the” the following: “**amount of the**”; and further amend said line by striking the following: “2010 actual state aid expenditure” and inserting in lieu thereof the following: “**2011 full funding calculation**”; and further amend said bill and section, page 15, line 23, by inserting

immediately after the words “than the” the following: “**amount of the**”; and further amend said line by striking the following: “2010 actual state aid expenditure” and inserting in lieu thereof the following: “**2011 full funding calculation**”; and further amend said bill and section, page 20, line 23, by inserting immediately after the words “than the” the following: “**amount of the**”; and further amend line 24, by striking the following: “2010 actual state aid expenditure” and inserting in lieu thereof the following: “**2011 full funding calculation**”; and further amend said bill and section, page 21, line 5, by inserting immediately after the words “than the” the following: “**amount of**”; and further amend said line by striking the following: “2010 actual state aid expenditure” and inserting in lieu thereof the following: “**2011 full funding calculation**”; and

Further amend said bill, page 25, section 163.036, line 25, by striking the word “the”; and further amend lines 26-28 by striking all of said lines and inserting in lieu thereof the following: “**summer school attendance hours shall be multiplied by zero prior to being included in the district's average daily attendance.**”; and

Further amend said bill and section, page 26, lines 1-9 of said page, by striking all of said lines from the bill and inserting in lieu thereof the following: “**Beginning with**”.

Senator Crowell moved that the above amendment be adopted.

Senator Callahan offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 943, Page 26, Section 163.036, Line 9 of said page, by inserting immediately after “expense.” the following: “**In any year in which the foundation formula appropriation under subsections 1, 2, and 4 of section 163.031 is less than the state aid expenditure for the previous year, each school district's summer school average daily attendance figure shall be reduced by the same percentage that the foundation formula appropriation has decreased from the previous year's state aid expenditure.**”.

Senator Callahan moved that the above substitute amendment be adopted.

At the request of Senator Shields, **SB 943**, with **SS**, **SA 3** and **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

**SB 1016**, with **SCS**, was placed on the Informal Calendar.

**SB 1007** was placed on the Informal Calendar.

**SB 1014**, with **SCS**, was placed on the Informal Calendar.

Senator Shields moved that **SB 1057** be taken up for perfection, which motion prevailed.

Senator Shields offered **SS** for **SB 1057**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 1057

An Act to repeal sections 32.028, 36.031, 36.050, 36.060, 36.150, 36.280, 36.370, 36.380, 36.390, 36.400, 43.040, 43.050, 58.445, 105.055, 301.716, 306.010, 306.161, 306.163, 306.165, 306.167, 306.168, 306.185, 306.227, 306.228, 306.229, 306.230, 306.232, 311.615, 407.924, 542.261, 544.157, 577.090,

621.015, and 650.005, RSMo, and to enact in lieu thereof thirty-one new sections relating to reorganization within certain state departments, with penalty provisions and an effective date for certain sections.

Senator Shields moved that **SS** for **SB 1057** be adopted.

Senator Shields offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 1057, Page 19, Section 43.050, Line 4 of said page, by striking the following: “The amount of patrol”; and further amend lines 5-17 of said page, by striking all of said lines; and further amend line 18 of said page, by striking the following: “section 313.820.”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Bill No. 1057, Page 1, Section A, Line 12 of said page, by inserting immediately after said line the following:

**“21.940. 1. There is established a “Health and Human Services Transition Committee” to study and make recommendations by December 31, 2010, on consolidating the departments of health and senior services, mental health, and social services into one department.**

**2. The members of the committee shall consist of fourteen members as follows:**

**(1) The directors of the departments of health and senior services, mental health, and social services;**

**(2) Two members of the house of representatives, one from each party, appointed by the speaker of the house of representatives;**

**(3) Two members of the senate, one from each party, appointed by the president pro tem of the senate;**

**(4) Three representatives who are consumers or families of consumers interested in the services provided by each of the departments of health and senior services, mental health, and social services;**

**(5) Three providers of services provided by the each of the departments of health and senior services, mental health, and social services;**

**(6) One public member; and**

**(7) The directors of the departments of health and senior services, mental health, and social services; or the respective directors' designees, who shall serve as ex-officio members of the committee.**

**3. Members shall serve on the committee without compensation. The departments of health and senior services, mental health, and social services shall provide technical and administrative support services for the committee. The duties of the committee are to make recommendations on:**

**(1) Efficiencies that could be made within programs administered by the three departments;**

**(2) Any programs administered or overseen by the three departments that should be eliminated,**

reduced, or combined with another program or programs, particularly programs involving MO HealthNet services; and

(3) A plan for reducing expenditures within each program administered or overseen by the three departments for fiscal year 2012 from fiscal year 2011 levels at increments of five percent up to twenty-five percent.

**4. The provisions of this section shall expire on January 1, 2011.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 1057, Pages 21-23, Section 104.809, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 1057, Page 1, In the Title, Line 11, by inserting after “sections”, the following: “and an emergency clause for a certain section”; and

Further amend said bill, Page 18, Section 37.040, Line 8, by inserting after all of said line the following:

**“37.600. 1. There is hereby established the “Commission on the Reorganization of State Health Care”. The commission shall have as its purpose the study, review, and recommendation of creating a “Division of State Health Care” within the office of administration, which shall be dedicated to providing health care coverage for all state employees, dependents, and retirees and those recipients of programs provided in subsection 4 of this section. The commission shall consist of nineteen members:**

**(1) Two members of the senate, one appointed by the president pro tem of the senate and one appointed by the senate minority floor leader;**

**(2) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the house minority floor leader;**

**(3) The commissioner of the office of administration or the commissioner's designee;**

**(4) The director of the department of insurance, financial institutions and professional registration or the director's designee;**

**(5) The director of the MO HealthNet division or the director's designee;**

**(6) The director of the department of health and senior services or the director's designee;**

**(7) The director of the department of mental health or the director's designee;**

**(8) The director of the department of corrections or the director's designee;**

- (9) The director of the department of social services or the director's designee;**
- (10) The executive director of the Missouri consolidated health care plan or the director's designee;**
- (11) One member of the state highways and transportation commission;**
- (12) One member of the state conservation commission; and**
- (13) One member of the board of curators of the University of Missouri;**
- (14) The commissioner of the coordinating board of higher education or the commissioner's designee;**
- (15) One representative of the public four-year institutions of higher education, excluding the University of Missouri, appointed by the governor with the advice and consent of the senate; and**
- (16) Two individual representatives of small business in this state, appointed by the governor with the advice and consent of the senate.**

**2. Members of the commission shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's official duties. A chair of the commission shall be selected by the members of the commission and shall meet as necessary. Commission members shall not be related to any member of the general assembly or governor within the third degree of consanguinity. The office of administration shall provide technical, actuarial, and administrative support services as required by the commission.**

**3. The commission shall designate a work group to provide analysis on the recommendations required of the commission consisting of members representing any health policy center or program from the public institutions of higher education in the state.**

**4. The commission shall designate a work group consisting of members of the Missouri school boards association, the Missouri community colleges association, and small business organizations to provide analysis for recommendations of the second and third phase of the reorganization as described under subdivisions (3) and (4) of subsection 5 of this section.**

**5. The commission shall submit a report to the general assembly and governor by December 31, 2010, on the creation of a "Division of State Health Care" within the office of administration to serve, through three implementation phases, as the lead planning state entity for all health issues in the state. The commission's duties shall be as follows:**

- (1) Provide an analysis on whether the creation of a division of state health care would:**
  - (a) Remedy the current situation wherein the responsibility for health care policy, purchasing, planning, and regulation is spread among many different agencies and departments;**
  - (b) Permit the state to maximize its purchasing power inasmuch as the state now has none of its health care purchasing coordinated;**
  - (c) Minimize duplication and maximize administrative efficiency in the state's health care systems by removing overlapping functions and streamlining uncoordinated programs;**
  - (d) Allow the state to develop a better health care infrastructure that is more responsive to the consumers it serves while improving access to and coverage for health care; and**



(e) Focus more attention and divisional procedures on the issue of wellness, including diet, exercise, and personal responsibility;

(2) Make recommendations on granting the division of state health care, during a first phase, the authority to carry out all powers, duties, and functions previously performed by:

(a) The Mo HealthNet division under section 208.201;

(b) The state highways and transportation commission, relating to the furnishing of health insurance benefits to cover medical expenses for members of the highways and transportation employees' and highway patrol retirement system;

(c) The board of trustees of the Missouri consolidated health care plan pursuant to chapter 103;

(d) The department of social services, relating to the administration of a program to pay for health care for uninsured children under sections 208.631 to 208.657;

(e) The state conservation commission, relating to the furnishing of health insurance for department of conservation employees and their dependents and retirees;

(f) The public four-year institutions of higher education, excluding the University of Missouri, relating to the furnishing of health insurance plans for employees of such institutions and their dependents and retirees; and

(g) The board of curators of the University of Missouri, relating to the furnishing of health insurance plans for employees of the university system and their dependents and retirees;

(3) Investigate coordinating and purchasing health care benefit plans, during a second phase, for employees of the public schools, community colleges, political subdivisions of the state, and all such employees' dependents; and

(4) Investigate the feasibility of creating and administering insurance programs in a third phase for small businesses and the uninsured in this state.

**6. The provisions of this section shall expire on February 1, 2011.”; and**

Further amend said bill, Page 47, Section B, Line 42, by inserting after all of said line the following:

“Section C. Because of the need to promote the health care of state employees and of citizens of this state, section 37.600 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SB 1057**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SB 1057**, as amended, was declared perfected and ordered printed.

Senator Shields moved that **SB 943**, with **SS**, **SA 3**, and **SSA 1** for **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Crowell, **SA 3** was withdrawn, rendering **SSA 1** for **SA 3** moot.

Senator Cunningham offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Bill No. 943, Page 29, Section 163.500, Line 11 of said page, by striking the following: “adequacy and”; and further amend lines 12-14 of said page, by striking all of said lines and inserting in lieu thereof the following: “**and secondary education within constitutional requirements and based on the Missouri Supreme Court finding in Committee for Educational Equality and Coalition to Fund Excellent Schools vs. State of Missouri, and also study differentiated pay, performance pay, incentive pay, tenure, open enrollment, virtual education, and other educational options.**”; and further amend line 15 of said page, by striking the following: “secondary education.”.

Senator Cunningham moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 4**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Bill No. 943, Page 29, Section 163.500, Lines 11-14, by striking all of said lines from the bill and inserting in lieu thereof the following: “**of the timing of the delivery of state funding for elementary and secondary education to school districts.**”; and further amend line 15, by striking the following: “secondary education.”.

Senator Shields moved that the above substitute amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SB 943**, as amended, be adopted, which motion prevailed on a standing division vote.

On motion of Senator Shields, **SS** for **SB 943**, as amended, was declared perfected and ordered printed.

On motion of Senator Engler, the Senate recessed until 8:30 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

**SENATE BILLS FOR PERFECTION**

Senator Bartle moved that **SB 1014**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 1014**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1014**

An Act to repeal sections 221.105 and 566.067, RSMo, and to enact in lieu thereof four new sections relating to crime, with penalty provisions, an expiration date for a certain section and an emergency clause for certain sections.

Was taken up.

Senator Bartle moved that **SCS** for **SB 1014** be adopted.

Senator Bartle offered **SS** for **SCS** for **SB 1014**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1014

An Act to repeal sections 221.105, 558.011, 559.100, and 566.067, RSMo, and to enact in lieu thereof seven new sections relating to crime, with penalty provisions and an expiration date for certain sections.

Senator Bartle moved that **SS** for **SCS** for **SB 1014** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1014, Page 15, Section 566.067, Line 2, by inserting after all of said line the following:

“595.036. 1. **For any claim filed on or after August 28, 2010**, any party aggrieved by a decision of the department **of public safety** on a claim under the provisions of sections 595.010 to [595.070] **595.075** may, within thirty days following the date of notification [of mailing] of such decision, file a petition with the [division of workers' compensation of the] department [of labor and industrial relations] to have such decision heard de novo by [an administrative law judge] **the director**. The [administrative law judge] **director** may affirm[, or reverse[, or set aside] the **department's** decision [of the department of public safety] on the basis of the evidence previously submitted in such case or may take additional evidence [or may remand the matter to the department of public safety with directions]. The [division of workers' compensation] **department** shall promptly notify the [parties] **party** of its decision and the reasons therefor.

2. Any [of the parties to a] **party aggrieved by the director's** decision [of an administrative law judge of the division of workers' compensation, as provided by subsection 1 of this section, on a claim heard under the provisions of sections 595.010 to 595.070] may, within thirty days following the date of notification [or mailing] of such decision, file a petition with the [labor and industrial relations] **administrative hearing** commission to [have] **appeal** such decision [reviewed by the commission] **as provided in section 621.275**. [The commission may allow or deny a petition for review. If a petition is allowed, the commission may affirm, reverse, or set aside the decision of the division of workers' compensation on the basis of the evidence previously submitted in such case or may take additional evidence or may remand the matter to the division of workers' compensation with directions. The commission shall promptly notify the parties of its decision and the reasons therefor.

3. Any petition for review filed pursuant to subsection 1 of this section shall be deemed to be filed as of the date endorsed by the United States Postal Service on the envelope or container in which such petition is received.

4. Any party who is aggrieved by a final decision of the labor and industrial relations commission pursuant to the provisions of subsections 2 and 3 of this section shall within thirty days from the date of the final decision appeal the decision to the court of appeals. Such appeal may be taken by filing notice of appeal with commission, whereupon the commission shall, under its certificate, return to the court all documents and papers on file in the matter, together with a transcript of the evidence, the findings and award, which shall thereupon become the record of the cause. Upon appeal no additional evidence shall be heard and, in the absence of fraud, the findings of fact made by the commission within its powers shall be conclusive and binding. The court, on appeal, shall review only questions of law and may modify, reverse,

remand for rehearing, or set aside the award upon any of the following grounds and no other:

- (1) That the commission acted without or in excess of its powers;
- (2) That the award was procured by fraud;
- (3) That the facts found by the commission do not support the award;
- (4) That there was not sufficient competent evidence in the record to warrant the making of the award.]

595.037. 1. All information submitted to the department [or division of workers' compensation] and any hearing of the [division of workers' compensation] **department** on a claim filed pursuant to sections 595.010 to 595.075 shall be open to the public except for the following claims which shall be deemed closed and confidential:

(1) A claim in which the alleged assailant has not been brought to trial and disclosure of the information or a public hearing would adversely affect either the apprehension, or the trial, of the alleged assailant;

(2) A claim in which the offense allegedly perpetrated against the victim is rape, sodomy or sexual abuse and it is determined by the department [or division of workers' compensation] to be in the best interest of the victim or of the victim's dependents that the information be kept confidential or that the public be excluded from the hearing;

(3) A claim in which the victim or alleged assailant is a minor; or

(4) A claim in which any record or report obtained by the department [or division of workers' compensation], the confidentiality of which is protected by any other law, shall remain confidential subject to such law.

2. The department [and division of workers' compensation, by separate order,] may close any record, report or hearing if it determines that the interest of justice would be frustrated rather than furthered if such record or report was disclosed or if the hearing was open to the public.

595.060. The director shall promulgate rules and regulations necessary to implement the provisions of sections 595.010 to 595.220 as provided in this section and chapter 536, RSMo. [In the performance of its functions under section 595.036, the division of workers' compensation is authorized to promulgate rules pursuant to chapter 536, RSMo, prescribing the procedures to be followed in the proceedings under section 595.036.] Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

**621.275. 1. Any person shall have the right to appeal to the administrative hearing commission from any decision made by the director of the department of public safety under section 595.036 regarding that person's claim for compensation as provided in sections 595.010 to 595.075.**

**2. Any person filing an appeal with the administrative hearing commission shall be entitled to a hearing before the commission. The person shall file a petition with the commission within thirty days after the decision of the director of the department of public safety is sent in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The director's decision shall**

contain a notice of the person's right to appeal:

**“If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was delivered or sent in the United States mail, whichever is earlier. If your petition is sent by registered or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail, it will be deemed filed on the date it is received by the commission.”**

**3. Decisions of the administrative hearing commission under this section shall be binding, subject to appeal by either party. The procedures established by chapter 536 shall apply to any hearings and determinations under this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1014, Page 15, Section 566.067, Line 2, by inserting immediately after said line the following:

**“Section 1. Notwithstanding any other provision of law to the contrary, a sentencing court shall not sentence an offender, subject to subdivision (1) of subsection 1 of section 217.023, to a term of imprisonment in county jail that exceeds the funds available in the county corrections stabilization fund created under section 217.023 to cover the costs of incarceration as provided under subdivision (4) of subsection 3 of section 221.105.”; and**

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion failed.

Senator Barnitz offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1014, Page 7, Section 221.105, Line 2, by inserting after the word “institutions” the following:

**“or electronic monitoring of offenders supervised by the counties under subdivision (1), (2), or (3) of subsection 3 of this section excluding instances when the prisoner is found guilty of or pleads guilty to a state offense for which he or she is sentenced to a term of imprisonment in the department of corrections but receives credit for the time he or she served in the county jail prior to the sentencing for such offense”; and**

further amend said section and page, line 12, by inserting after the word “jail” the following:

**“or was subject to electronic monitoring”; and**

Further amend line 13 by inserting after the word “prisons” the following:

**“or electronic monitoring”; and**

Further amend line 20, by inserting after the word “prisoners” the following:

**“or supervising electronic monitoring”**; and

further amend line 22 by inserting after the word “facility” the following:

**“or was subject to electronic monitoring”**; and

further amend line 27, by inserting after the word “boarding” the following:

**“or electronically monitoring”**; and

further amend said section, page 8, line 10, by inserting after the word “issued,” the following:

**“or electronically monitored by the county under subdivisions (1), (2), or (3) of this subsection excluding instances when the prisoner is found guilty of or pleads guilty to a state offense for which he or she is sentenced to a term of imprisonment in the department of corrections but receives credit for the time he or she served in the county jail prior to the sentencing for such offense,”**; and

further amend said section, page 9, line 9, by inserting after the word “prisoner” the following:

**“for incarcerating prisoners confined in jails or medium security institutions and not to exceed eight dollars per day per prisoner for electronic monitoring supervised by the county”**.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that **SS for SCS for SB 1014**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SS for SCS for SB 1014**, as amended, was declared perfected and ordered printed.

### **INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, faculty and students from the Government Process Class, Missouri Southern State University, Joplin.

Senator Griesheimer introduced to the Senate, Jamie Nordwald and graduate students from University of Missouri School of Social Work.

On behalf of Senator Pearce, the President introduced to the Senate, Brian Baker, Rebecca Neighbors, Lydia Baker, Judy Nees, Andrea Middleton, Monte Wachter, Sherri Wachter, Kristen Jones and students, Joshua Allen, Grant Baker, Rose Baker, Andrew Costabile, Jorden Jones, Cole Kerby, Katie Middleton, Shirley Ponds and Michaela Wachter, Heartland Academy, Belton.

On behalf of Senator Pearce, the President introduced to the Senate, Huett Donald, Fred Niblock and students, Timothy Merrill, Marlena Lubke, Seth Kreher, Logan Lagud and Skyler Lankford, representatives of Johnson County American Legion Student Government Day.

Senator Barnitz introduced to the Senate, Jim Fels, Rolla.

Senator Goodman introduced to the Senate, parents, teachers and thirteen third and fourth grade students from Trinity Lutheran School, Freistatt.

Senator Days introduced to the Senate, Scott Jolly, Florissant; and Scott was made an honorary page.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Melissa R. Stephens, M.D., and her son Joel, Warsaw.

Senator Scott introduced to the Senate, Coach Scott Ireland and Assistant coach Tim Hankins and members of Class 1 State Champion Montrose High School Girls basketball team, Kendall Hart, Felicia

Foster, Morgan Eye, Whitney Klass, Katelyn Bracher, Kristin Bellinhausen, Elizabeth Collins and Victoria Engeman.

Senator Purgason introduced to the Senate, representatives of Camden County Leadership.

Senator Schmitt introduced to the Senate, third grade students from Barretts Elementary School; and Hannah Knapik, Erin Neely, Ben Gunning, Kirsten Bourbon, Max Dippel and Elaina Verges were made honorary pages.

On behalf of Senator Stouffer and himself, Senator Lembke introduced to the Senate, Jeannine Stuart, John Wiemann, Tom Wilsdon, Mary Ann Krause, Cindy Evans, Ron Lares, Brian Riley and his son Dylan, Glen Nelson, Donna Hart Nolte, Cathie Nelson, Tom Baker, Ed and Pat Richards, Bruce Barton and Marshall Foss, representatives of Missouri State Pachyderms.

Senator Wright-Jones introduced to the Senate, Debbie Deiters and Roderick Williams, St. Louis.

Senator Wright-Jones introduced to the Senate, her grandson, Damon Jones II, Gary Evans and twenty fifth grade students from St. Louis Christian Academy.

Senator Crowell introduced to the Senate, students from Immaculate Conception School, Jackson.

On motion of Senator Engler, the Senate adjourned until 9:30 a.m., Wednesday, April 14, 2010.

## SENATE CALENDAR

---

FIFTY-SECOND DAY–WEDNESDAY, APRIL 14, 2010

---

## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HJR 88-Nieves, et al  
HCS#2 for HB 1543

HCS for HB 1787  
HCS for HB 2048

### THIRD READING OF SENATE BILLS

1. SB 627-Justus (In Fiscal Oversight)
2. SJR 20-Bartle (In Fiscal Oversight)
3. SB 779-Bartle (In Fiscal Oversight)
4. SCS for SB 944-Shields (In Fiscal Oversight)
5. SB 816-Lembke (In Fiscal Oversight)
6. SB 1026-Rupp (In Fiscal Oversight)
7. SS for SCS for SB 884-Schaefer  
(In Fiscal Oversight)

8. SCS for SB 622-Shoemyer  
(In Fiscal Oversight)
9. SS for SCS for SB 734-Pearce  
(In Fiscal Oversight)
10. SCS for SB 815-Bartle
11. SB 940-Pearce
12. SCS for SB 631-Cunningham
13. SS for SB 714-Crowell

SENATE BILLS FOR PERFECTION

SJR 44-Shields

HOUSE BILLS ON THIRD READING

- |   |                                       |
|---|---------------------------------------|
| 1. HCS for HJR 86, with SCS (Stouffer)<br>(In Fiscal Oversight) | 9. HCS for HB 2004, with SCS (Mayer)  |
| 2. HB 1741-Pratt (Goodman)                                      | 10. HCS for HB 2005, with SCS (Mayer) |
| 3. HB 1677-Hoskins (80), with SCS (Days)                        | 11. HCS for HB 2006, with SCS (Mayer) |
| 4. HB 1778-Walton Gray, et al, with SCS<br>(Wright-Jones)       | 12. HCS for HB 2007, with SCS (Mayer) |
| 5. HCS for HB 2198, with SCS (Griesheimer)                      | 13. HCS for HB 2008, with SCS (Mayer) |
| 6. HCS for HB 2001, with SCS (Mayer)                            | 14. HCS for HB 2009, with SCS (Mayer) |
| 7. HCS for HB 2002, with SCS (Mayer)                            | 15. HCS for HB 2010, with SCS (Mayer) |
| 8. HCS for HB 2003, with SCS (Mayer)                            | 16. HCS for HB 2011, with SCS (Mayer) |
|   | 17. HCS for HB 2012, with SCS (Mayer) |
|   | 18. HCS for HB 2013, with SCS (Mayer) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 826-Griesheimer

SB 1001-Griesheimer

SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 579-Shields, with SCS  | SB 810-Lager, with SCS   |
| SB 587-Nodler and Cunningham,<br>with SCS & SA 1 (pending)      | SB 818-Lembke, with SCS (pending)  |
| SB 596-Callahan, with SCS (pending)                             | SB 839-Wright-Jones, with SCS  |
| SB 606-Stouffer   | SB 852-Lager, et al, with SS,<br>SA 1 & SSA 1 for SA 1 (pending)   |
| SBs 607, 602, 615 & 725-Stouffer,<br>with SCS & SA 1 (pending)  | SB 868-Shields   |
| SB 698-Griesheimer, with SCS,<br>SS for SCS & SA 1 (pending)    | SB 878-Lembke, with SCS (pending)  |
| SB 705-Griesheimer  | SBs 880, 780 & 836-Schaefer, with SCS  |
| SB 738-Crowell, with SCS  | SBs 895, 813, 911, 924, 922 &<br>802-Dempsey, et al, with SCS, SS for<br>SCS, SA 1, SSA 1 for SA 1 & SA 1 to<br>SSA 1 for SA 1 (pending) |
| SB 747-Rupp, et al, with SA 1 (pending)                         | SB 896-Shields and Crowell, with SA 1<br>(pending)   |
| SB 784-Schaefer and Pearce                                      | SB 905-Bray, et al, with SCS & SS for SCS<br>(pending)   |
| SB 792-Dempsey and Rupp, with SS (pending)                      | SB 999-Schaefer  |
| SB 793-Mayer, et al, with SCS,<br>SA 1 & SA 1 to SA 1 (pending) |  |
| SB 797-Green  |  |



SB 1007-Dempsey  
SB 1016-Mayer, with SCS  
SB 1017-Mayer, with SCS (pending)  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS,  
SS#2 for SCS & SA 5 (pending)  
SJR 29-Purgason and Cunningham,  
with SCS & SS#2 for SCS (pending)

SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1 (pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

#### HOUSE BILLS ON THIRD READING

SS for SCS for HB 1442-Jones (89), et al  
(Nodler) (In Fiscal Oversight)

HCS#2 for HB 1472 (Schaefer)

#### RESOLUTIONS

##### Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)  
SCR 52-Lager  
HCS for HCRs 34 & 35 (Schmitt)

##### To be Referred

HCS for HCRs 25, 29 & 39

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-SECOND DAY—WEDNESDAY, APRIL 14, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Even in the darkest moments of your life, God is still in charge.” (Marie T. Freeman)

Lord, it is becoming a long week filled with many difficulties that continue to be problems for us. Help us to adjust to the new realities that face us as we govern. Help us make decisions that produce the most helpful results. Help us, we pray, that we may find ways to work together even when differences are clearly present. And Lord, walk with us as we remember our good friend, B.W. Robinson. Comfort his family and us who will truly miss him and give us a certain hope and joyful expectation of eternal life we may share with him. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of silence in loving memory of B.W. Robinson, Senate Doorkeeper.

### **RESOLUTIONS**

Senator Schaefer offered Senate Resolution No. 2179, regarding Carolyn Sue Roof, which was adopted.

Senator Schaefer offered Senate Resolution No. 2180, regarding Patricia Lynn Crews, which was adopted.

Senator Schaefer offered Senate Resolution No. 2181, regarding Courtyard by Marriott, Columbia, which was adopted.

Senator Nodler offered Senate Resolution No. 2182, regarding the 2009-2010 Class 1 State Champion Seneca High School Wrestling program, which was adopted.

### **HOUSE BILLS ON THIRD READING**

**HCS for HB 2001**, with **SCS**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS for HCS for HB 2001**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2001**

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS for HCS for HB 2001** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS for HCS for HB 2001** was read the 3rd time and passed by the following vote:

#### **YEAS—Senators**

Barnitz	Bray	Callahan	Clemens	Crowell	Dempsey	Engler	Goodman
Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields

Shoemyer      Stouffer      Vogel—27

NAYS—Senators—None

Absent—Senators

Champion      Cunningham      Days      Ridgeway      Wilson      Wright-Jones—6

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Engler announced that photographers from KMIZ-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

Senator Griesheimer assumed the Chair.

**HCS for HB 2002**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS for HCS for HB 2002**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2002

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS for HCS for HB 2002** be adopted.

Senator Dempsey assumed the Chair.

Senator Griesheimer assumed the Chair.

At the request of Senator Mayer, **HCS for HB 2002**, with **SCS** (pending), was placed on the Informal Calendar.

**REFERRALS**

President Pro Tem Shields referred **SS** for **SB 714** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Shields referred **HCS** for **HCRs 25, 29 and 39** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

**RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 2183, regarding Pat Dooley Elementary School, Delta School District, which was adopted.

Senator Callahan offered Senate Resolution No. 2184, regarding Zach Lewis Bailey, Sugar Creek, which was adopted.

Senator Callahan offered Senate Resolution No. 2185, regarding Michael Morris, which was adopted.

Senator Callahan offered Senate Resolution No. 2186, regarding Daniel Jacob Cox, Independence, which was adopted.

**HOUSE BILLS ON THIRD READING**

Senator Mayer moved that **HCS** for **HB 2002**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HB 2002** was again taken up.

Senator Mayer offered **SS** for **SCS** for **HCS** for **HB 2002**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2002

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Senator Mayer moved that **SS** for **SCS** for **HCS** for **HB 2002** be adopted, which motion prevailed.

On motion of Senator Mayer, **SS** for **SCS** for **HCS** for **HB 2002** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott

Shields                      Stouffer                      Vogel                      Wilson—28

NAYS—Senators

Bartle                      Crowell                      Justus                      McKenna                      Shoemyer                      Wright-Jones—6

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 943**; **SS** for **SCS** for **SB 1014**; and **SS** for **SB 1057**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Engler announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

### **HOUSE BILLS ON THIRD READING**

**HB 1741** was placed on the Informal Calendar.

**HB 1677**, with **SCS**, introduced by Representative Hoskins (80), entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of dress in blue for colon cancer awareness day.

Was taken up by Senator Days.

**SCS** for **HB 1677**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1677**

An Act to repeal section 9.010, RSMo, and to enact in lieu thereof two new sections relating to public holidays, with an emergency clause for a certain section.

Was taken up.

Senator Days moved that **SCS** for **HB 1677** be adopted, which motion prevailed.

Senator Days moved that **SCS** for **HB 1677** be read the 3rd time and passed and was recognized

to close.

President Pro Tem Shields referred **SCS** for **HB 1677** to the Committee on Governmental Accountability and Fiscal Oversight.

**HB 1741**, introduced by Representative Pratt, entitled:

An Act to repeal section 351.340, RSMo, and to enact in lieu thereof one new section relating to board meetings of corporations.

Was called from the Informal Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HB 1741** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 1778**, with **SCS**, introduced by Representative Walton Gray, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of organ donor awareness day.

Was taken up by Senator Wright-Jones.

**SCS** for **HB 1778**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1778

An Act to repeal section 9.010, RSMo, and to enact in lieu thereof two new sections relating to public holidays, with an emergency clause for a certain section.

Was taken up.

Senator Wright-Jones moved that **SCS** for **HB 1778** be adopted, which motion failed.

**HB 1778** was again taken up.

Senator Schmitt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1778, Page 1, In the Title, Lines 2-3, by striking the words “the designation of organ donor awareness day” and inserting in lieu thereof the following:

“public holidays”; and

further amend said bill and page, Section 9.157, line 4, by inserting immediately after said line the following:

**“9.170. The governor shall annually issue a proclamation setting apart the fourteenth of February as “Epilepsy Awareness Day”, and recommending to the people of the state that the day be appropriately observed through activities which will increase awareness of epilepsy and its related symptoms.”; and**

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Wright-Jones moved that **HB 1778**, as amended, be read the 3rd time and passed, which motion failed to receive a constitutional majority by the following vote:

YEAS—Senators

Barnitz	Bray	Champion	Clemens	Days	Dempsey	Engler	Griesheimer
Lager	McKenna	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Wilson

Wright-Jones—17

NAYS—Senators

Bartle	Callahan	Crowell	Cunningham	Green	Justus	Keaveny	Lembke
Mayer	Nodler	Pearce	Purgason	Ridgeway	Scott	Stouffer	Vogel—16

Absent—Senator Goodman—1

Absent with leave—Senators—None

Vacancies—None

**HCS** for **HB 2198**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 2003**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS** for **HCS** for **HB 2003**, entitled:



SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 2003** be adopted.

Senator Mayer offered **SS** for **SCS** for **HCS** for **HB 2003**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Senator Mayer moved that **SS** for **SCS** for **HCS** for **HB 2003** be adopted, which motion prevailed.

On motion of Senator Mayer, **SS** for **SCS** for **HCS** for **HB 2003** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Stouffer	Vogel	Wilson—29			

NAYS—Senators

Bartle	Crowell	Justus	Scott	Wright-Jones—5
--------	---------	--------	-------	----------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 2004**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS for HCS for HB 2004**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS for HCS for HB 2004** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS for HCS for HB 2004** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators

Bartle                      Crowell—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 2005**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief

Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS** for **HCS** for **HB 2005**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 2005** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 2005** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators

Crowell            Justus—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2357**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to public retirement plans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 2262** and **2264**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto two new sections relating to the Missouri youth challenge academy, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1695, 1742** and **1674**, entitled:

An Act to repeal sections 211.031, 217.785, 302.302, 302.321, 302.536, 302.750, 478.001, 478.003, 478.009, 479.010, 479.020, 479.170, 542.286, 577.010, 577.012, 577.020, 577.021, 577.023, 577.029, 577.037, 577.039, 577.041, 577.049, and 577.054, RSMo, and to enact in lieu thereof twenty-five new sections relating to driving while intoxicated, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 14, 2010

### **To the Senate of the 95th General Assembly of the State of Missouri:**

I hereby withdraw from your consideration the following appointment to office made and submitted to you for your advice and consent:

Michael B. Calvin, 2355 Albion Place Unit D, Saint Louis City, Missouri 63104, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2014, and until his successor is duly appointed and qualified; vice, Julius Hunter, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields moved that the above appointment be returned to the Governor per his request, which motion prevailed.

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

April 14, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I hereby withdraw from your consideration the following appointment to office made and submitted to you for your advice and consent:

Douglas R. Lang, 6824 Bonnie Avenue, Saint Louis, Saint Louis County, Missouri 63123, as a member of the State Board of Pharmacy, for a term ending February 16, 2015, and until his successor is duly appointed and qualified; vice, Gary Sobocinski, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields moved that the above appointment be returned to the Governor per his request, which motion prevailed.

**REFERRALS**

President Pro Tem Shields referred **SS** for **SB 1057** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Engler, the Senate recessed until 7:45 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 2006**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS** for **HCS** for **HB 2006**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2006**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period

beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 2006** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 2006** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Cunningham	Days	Dempsey
Engler	Goodman	Green	Keaveny	Lager	Mayer	McKenna	Nodler
Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson—27					

NAYS—Senators

Crowell Justus—2

Absent—Senators

Clemens Griesheimer Lembke Ridgeway Wright-Jones—5

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 2007**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS** for **HCS** for **HB 2007**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money

among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 2007** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 2007** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Keaveny	Lager	Mayer	McKenna	Nodler
Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson—27					

NAYS—Senators

Bartle	Crowell	Justus	Wright-Jones—4
--------	---------	--------	----------------

Absent—Senators

Griesheimer	Lembke	Ridgeway—3
-------------	--------	------------

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 2008**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS** for **HCS** for **HB 2008**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 2008** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 2008** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Crowell—1

Absent—Senators

Lembke      Ridgeway—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 2009**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS** for **HCS** for **HB 2009**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Rupp assumed the Chair.

Senator Mayer moved that **SCS** for **HCS** for **HB 2009** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 2009** was read the 3rd time and passed by the following vote:



## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

## NAYS—Senators

Crowell      Wright-Jones—2

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 2010**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS for HCS for HB 2010**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS for HCS for HB 2010** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS for HCS for HB 2010** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Lembke	Mayer	Nodler	Purgason	Rupp
Schaefer	Schmitt	Shields	Vogel	Wilson—21			

NAYS—Senators

Bartle	Bray	Crowell	Justus	Keaveny	Lager	McKenna	Pearce
Ridgeway	Scott	Shoemyer	Stouffer	Wright-Jones—13			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 2011, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS for HCS for HB 2011, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS for HCS for HB 2011** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS for HCS for HB 2011** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lembke	Mayer	McKenna

Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle	Crowell	Justus	Lager—4
--------	---------	--------	---------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 2012, with SCS, entitled:**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS for HCS for HB 2012, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate

Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 2012** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 2012** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Crowell      Cunningham      Lembke—3

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 2013**, with **SCS**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up by Senator Mayer.

**SCS** for **HCS** for **HB 2013**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2013

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the

divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 2013** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 2013** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Crowell—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

## INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Paxton Williams, Joplin.

Senator Days introduced to the Senate, Alderperson Millicent Johnson, Cool Valley.

Senator Cunningham introduced to the Senate, Linda Moen, St. Louis.

Senator Justus introduced to the Senate, Susan Gibson, Laurie Delong, Katie Walker, Rob Ryan, David Brown, Jeff Pfaff, Matt Hilderbrand and members of St. Elizabeth Boy Scout Troop 150, Sean Decker, Michael Derickson, Jack Emory, Evan Hilderbrand, Brendan Odrowski, John Sulzer, Dylan Brown, Thomas Delong, Jon Gibson, Alexei Kreidler, Daniel Pfaff, George Ryan and Payton Walker, Kansas City.

Senator Nodler introduced to the Senate, Coach Jeff Sill, Assistant Coach Chris Fortner and members of the Class 1 State Champion Seneca High School wrestling team, Blake Mullin, Timothy Harnar, Colbey Skaggs, Nathan Fortner, Dillan Webb, David Diaz, Jake Rhoades, Dalton Cummings, Jacoby Hymer, Trent VanWagner and Derrick Hopper.

On behalf of Senator Griesheimer, the President introduced to the Senate, Gene Harfst, Jim Casey, Mike

Casey and Lloyd Harfst, Labadie.

Senator Green introduced to the Senate, Principal Tom Henke, Rose Sigeards, parents and thirty-four eighth grade students from St. Rose Philippine Duchesne, Florissant; and Katie Coleman, Katie Dorsey, Scott Mogelnicki and Mike Smith were made honorary pages.

Senator Bray introduced to the Senate, Henry Brown, Jeremy Abraham and students from The College School, Webster Groves.

Senator Bray introduced to the Senate, Bill Mermis, Renee Hill, Robin Kinman, Becki Pittman and fourth grade students from Forsyth School, Clayton.

Senator Shields introduced to the Senate, his son, Bryce and students from Central High School, St. Joseph.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

FIFTY-THIRD DAY—THURSDAY, APRIL 15, 2010

---

## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HJR 88-Nieves, et al  
HCS#2 for HB 1543  
HCS for HB 1787  
HCS for HB 2048

HCS for HB 2357  
HCS for HBs 2262 & 2264  
HCS for HBs 1695, 1742 & 1674

### THIRD READING OF SENATE BILLS

1. SB 627-Justus (In Fiscal Oversight)
2. SJR 20-Bartle (In Fiscal Oversight)
3. SB 779-Bartle (In Fiscal Oversight)
4. SCS for SB 944-Shields (In Fiscal Oversight)
5. SB 816-Lembke (In Fiscal Oversight)
6. SB 1026-Rupp (In Fiscal Oversight)
7. SS for SCS for SB 884-Schaefer  
(In Fiscal Oversight)
8. SCS for SB 622-Shoemyer  
(In Fiscal Oversight)

9. SS for SCS for SB 734-Pearce  
(In Fiscal Oversight)
10. SCS for SB 815-Bartle
11. SB 940-Pearce
12. SCS for SB 631-Cunningham
13. SS for SB 714-Crowell (In Fiscal Oversight)
14. SS for SB 943-Shields
15. SS for SCS for SB 1014-Bartle
16. SS for SB 1057-Shields  
(In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

SJR 44-Shields

## HOUSE BILLS ON THIRD READING

HCS for HJR 86, with SCS (Stouffer)  
(In Fiscal Oversight)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SCS for SB 826-Griesheimer

SB 1001-Griesheimer

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
SB 587-Nodler and Cunningham, with SCS &  
SA 1 (pending)  
SB 596-Callahan, with SCS (pending)  
SB 606-Stouffer  
SBs 607, 602, 615 & 725-Stouffer, with  
SCS & SA 1 (pending)  
SB 698-Griesheimer, with SCS, SS for SCS  
& SA 1 (pending)  
SB 705-Griesheimer  
SB 738-Crowell, with SCS  
SB 747-Rupp, et al, with SA 1 (pending)  
SB 784-Schaefer and Pearce  
SB 792-Dempsey and Rupp, with SS  
(pending)  
SB 793-Mayer, et al, with SCS, SA 1 &  
SA 1 to SA 1 (pending)  
SB 797-Green  
SB 810-Lager, with SCS  
SB 818-Lembke, with SCS (pending)  
SB 839-Wright-Jones, with SCS  
SB 852-Lager, et al, with SS, SA 1 &  
SSA 1 for SA 1 (pending)  
SB 868-Shields  
SB 878-Lembke, with SCS (pending)

SBs 880, 780 & 836-Schaefer, with SCS  
SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS, SS for  
SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
SSA 1 for SA 1 (pending)  
SB 896-Shields and Crowell, with SA 1  
(pending)  
SB 905-Bray, et al, with SCS & SS for  
SCS (pending)  
SB 999-Schaefer  
SB 1007-Dempsey  
SB 1016-Mayer, with SCS  
SB 1017-Mayer, with SCS (pending)  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS, SS#2  
for SCS & SA 5 (pending)  
SJR 29-Purgason and Cunningham, with SCS  
& SS#2 for SCS (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1  
(pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

HOUSE BILLS ON THIRD READING

SS for SCS for HB 1442-Jones (89), et al  
(Nodler) (In Fiscal Oversight)  
HCS#2 for HB 1472 (Schaefer)

SCS for HB 1677-Hoskins (80) (Days)  
(In Fiscal Oversight)  
HCS for HB 2198, with SCS (Griesheimer)

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)  
SCR 52-Lager  
HCS for HCRs 34 & 35 (Schmitt)

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-THIRD DAY—THURSDAY, APRIL 15, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Your word was unto me the joy and rejoicing of my heart.” (Jeremiah 15:16)

Heavenly Father, as we complete the work of this week and head home to be with loved ones and family, we would pray that Your word continues to bring joy in our hearts and joy in our daily living. As we discern Your word this weekend may we keep Your judgements and grace in a proper perspective and may Your gifts of peace, joy and love be permanent residents in our souls. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

**RESOLUTIONS**

Senator Green offered Senate Resolution No. 2187, regarding Sharon Brown, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 2188, regarding Carolyn Marty, Florissant, which was adopted.

Senator Lager offered Senate Resolution No. 2189, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry Daniel Houseworth, Jr., Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 2190, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Norman Tiedt, Savannah, which was adopted.

Senator Champion offered Senate Resolution No. 2191, regarding Bailey Reading Pals, Bailey Alternative High School, Springfield, which was adopted.

Senator Barnitz offered Senate Resolution No. 2192, regarding the One Hundred Fortieth Anniversary of the Dent County Courthouse, Salem, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Mayer moved that **SB 793**, with **SCS**, **SA 1** and **SA 1 to SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1 to SA 1** was again taken up.

At the request of Senator Bray, **SA 1** was withdrawn, rendering **SA 1 to SA 1** moot.

President Pro Tem Shields assumed the Chair.

Senator Mayer offered **SS** for **SCS** for **SB 793**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 793**

An Act to repeal sections 188.027, 188.039, and 376.805, RSMo, and to enact in lieu thereof four new sections relating to abortion, with penalty provisions.

Senator Mayer moved that **SS** for **SCS** for **SB 793** be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Mayer, **SS** for **SCS** for **SB 793** was declared perfected and ordered printed.

Senator Engler announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

**THIRD READING OF SENATE BILLS**

**SCS** for **SB 815**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 815**

An Act to repeal sections 160.400, 160.405, 160.410, 168.106, 168.745, 168.747, and 178.693, RSMo,

and to enact in lieu thereof twelve new sections relating to elementary and secondary education, with an emergency clause for a certain section.

Was taken up by Senator Bartle.

Senator Stouffer assumed the Chair.

On motion of Senator Bartle, **SCS** for **SB 815** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Barnitz	Goodman	Purgason—3
---------	---------	------------

Absent—Senators

Clemens	Green—2
---------	---------

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Barnitz	Goodman	Purgason	Ridgeway—4
---------	---------	----------	------------

Absent—Senators

Clemens	Green—2
---------	---------

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 940**, introduced by Senator Pearce, entitled:

An Act to repeal sections 313.010, 313.015, 313.040, 313.045, 313.050, and 313.057, RSMo, and to enact in lieu thereof six new sections relating to bingo, with penalty provisions.

Was taken up.

On motion of Senator Pearce, **SB 940** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Days	Dempsey	Engler
Griesheimer	Justus	Keaveny	Mayer	McKenna	Nodler	Pearce	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Vogel	Wilson	Wright-Jones—23	

NAYS—Senators

Bartle	Cunningham	Goodman	Lager	Lembke	Purgason	Ridgeway	Scott
Stouffer—9							

Absent—Senators

Clemens	Green—2
---------	---------

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 631**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 631

An Act to repeal sections 37.710, 160.261, 168.021, 168.071, 168.133, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof sixteen new sections relating to protecting children from sexual offenders, with penalty provisions.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **SCS** for **SB 631** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Crowell—1

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REFERRALS

President Pro Tem Shields referred **SS** for **SB 943** to the Committee on Governmental Accountability and Fiscal Oversight.

### THIRD READING OF SENATE BILLS

**SS** for **SCS** for **SB 1014**, introduced by Senator Bartle, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1014

An Act to repeal sections 221.105, 558.011, 559.100, 566.067, 595.036, 595.037, and 595.060, RSMo, and to enact in lieu thereof eleven new sections relating to crime, with penalty provisions and an expiration date for certain sections.

Was taken up.

On motion of Senator Bartle, **SS** for **SCS** for **SB 1014** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bartle	Callahan	Crowell	Cunningham	Days	Engler	Green	Justus
Lager	Mayer	McKenna	Pearce	Purgason	Ridgeway	Shields	Stouffer
Vogel	Wilson—18						

#### NAYS—Senators

Barnitz	Champion	Dempsey	Goodman	Griesheimer	Keaveny	Lembke	Nodler
Rupp	Schaefer	Schmitt	Shoemyer	Wright-Jones—13			

#### Absent—Senators

Bray	Clemens	Scott—3
------	---------	---------

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Larry D. Spence, Republican, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees;

Also,

Michael L. Gerdine, as a member of the Saint Louis City Board of Police Commissioners;

Also,

Lewis B. Moye, as a member of the State Board of Mediation;

Also,

Gary D. Sharpe, Democrat, as a member of the Coordinating Board for Higher Education;

Also,

Paxton J. Williams, Cynthia L. Parks and Robert P. Neumann, as members of the State Historical Records Advisory Board;

Also,

Paula F. Baker and Jean-Paul Bovee, as members of the Missouri Commission on Autism Spectrum Disorders;

Also,

Donna M. Bushur, as a member of the Child Abuse and Neglect Review Board;

Also,

Patrice E. Boehler, Democrat, as a member of the Dam and Reservoir Safety Council;

Also,

Lisa G. Baron, as a member of the Alzheimer's State Plan Task Force;

Also,

Richard Ewing, as a member of the Missouri Family Trust Board of Trustees;

Also,

Byron Hill and Wayne Feuerborn, as members of the Missouri Workforce Investment Board;

Also,

Petrice L. Welch and Vicki McCarrell, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Christine J. Bierman, Democrat, as a member of the Missouri Women's Council;

Also,

Brian P. Kelly, as the student representative of the Southeast Missouri State University Board of Regents;

Also,

Lucas A. Freeland, as student representative on the Truman State University Board of Governors;

Also,

Peter Gregory, as the student representative and Ronald Dirck Clark, Republican, as a member of the Missouri Western State University Board of Governors;

Also,

Timothy White, Democrat, and Tamara Thielemier, as members of the Workers' Compensation Determination Review Board;

Also,

John W. Newcomer, as a member of the Drug Utilization Review Board.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments.

At the request of Senator Shields, the above motion was withdrawn.

At the request of Senator Shields, the above committee reports were returned to the Committee on Gubernatorial Appointments.

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Gary D. Sharpe, Democrat, as a member of the Coordinating Board for Higher Education, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Vogel moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment.

Senator Pearce assumed the Chair.

Senator Ridgeway requested a roll call vote be taken on the appointment of Gary D. Sharpe, Democrat, as a member of the Coordinating Board for Higher Education. She was joined in her request by Senators

Cunningham, Dempsey, Lembke and Stouffer.

Senator Vogel moved that the committee report on Gary D. Sharpe, Democrat, as a member of the Coordinating Board for Higher Education be adopted and the Senate do give its advice and consent to said appointment, which motion failed by the following vote:

YEAS—Senators

Barnitz	Callahan	Days	Green	Justus	Keaveny	McKenna	Shields
Shoemyer	Vogel	Wilson	Wright-Jones—12				

NAYS—Senators

Bartle	Champion	Crowell	Cunningham	Dempsey	Goodman	Griesheimer	Lager
Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Stouffer—19					

Absent—Senators

Bray	Clemens	Engler—3
------	---------	----------

Absent with leave—Senators—None

Vacancies—None

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Larry D. Spence, Republican, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees;

Also,

Michael L. Gerdine, as a member of the Saint Louis City Board of Police Commissioners;

Also,

Lewis B. Moye, as a member of the State Board of Mediation;

Also,

Paxton J. Williams, Cynthia L. Parks and Robert P. Neumann, as members of the State Historical Records Advisory Board;

Also,

Paula F. Baker and Jean-Paul Bovee, as members of the Missouri Commission on Autism Spectrum Disorders;

Also,

Donna M. Bushur, as a member of the Child Abuse and Neglect Review Board;

Also,



Patrice E. Boehler, Democrat, as a member of the Dam and Reservoir Safety Council;

Also,

Lisa G. Baron, as a member of the Alzheimer's State Plan Task Force;

Also,

Richard Ewing, as a member of the Missouri Family Trust Board of Trustees;

Also,

Byron Hill and Wayne Feuerborn, as members of the Missouri Workforce Investment Board;

Also,

Petrice L. Welch and Vicki McCarrell, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Christine J. Bierman, Democrat, as a member of the Missouri Women's Council;

Also,

Brian P. Kelly, as the student representative of the Southeast Missouri State University Board of Regents;

Also,

Lucas A. Freeland, as student representative on the Truman State University Board of Governors;

Also,

Peter Gregory, as the student representative and Ronald Dirck Clark, Republican, as a member of the Missouri Western State University Board of Governors;

Also,

Timothy White, Democrat, and Tamara Thielemier, as members of the Workers' Compensation Determination Review Board;

Also,

John W. Newcomer, as a member of the Drug Utilization Review Board.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

### **PRIVILEGED MOTIONS**

Senator Shields requested unanimous consent of the Senate to be allowed to make, in one motion, the motions necessary to reconsider the votes by which the motion to reconsider the vote by which **SCS for SB 631** passed was laid on the table; the motion to agree to the title; and the motion by which **SCS for SB 631** was read the third time and passed, which request was granted.

Having voted on the prevailing side, Senator Shields moved that the vote by which the motion to reconsider the vote by which **SCS** for **SB 631** passed was laid on the table; the motion to agree to the title; and the motion by which **SCS** for **SB 631** was read the third time and passed be reconsidered, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Callahan	Champion	Crowell	Cunningham	Days	Dempsey	Engler
Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

## NAYS—Senators—None

## Absent—Senators

Bartle	Bray	Clemens	Green—4
--------	------	---------	---------

## Absent with leave—Senators—None

## Vacancies—None

**SCS** for **SB 631** was again taken up.

### REFERRALS

President Pro Tem Shields referred **SCS** for **SB 631** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Shields assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1022**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 1290**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1340**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1392**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1595**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1612**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1643**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1705**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS for HB 1806**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1942**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS for HB 2297**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS for HB 1675**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HJR 86**, with **SCS**, begs leave to report that it has considered the same and recommends that the joint resolution, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 816**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 1270**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 1894**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 1898**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 1977**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 2270**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 2056**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1609**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1654**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 639**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, Senator Stouffer submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 1848**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 2182**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HJR 76**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 2109**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 1662**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **HB 1268**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 1336**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 1691**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 2111**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1941**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SJR 45**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 643**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS for HB 2161**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS for HB 2231**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 2317**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 1713**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS for HB 1831**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1892**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1858**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HBs 2147** and **2261**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Pearce assumed the Chair.

### **HOUSE BILLS ON SECOND READING**

The following Joint Resolution and Bills were read the 2nd time and referred to the Committees indicated:

**HJR 88**—Judiciary and Civil and Criminal Jurisprudence.

**HCS No. 2** for **HB 1543**—Education.

**HCS** for **HB 1787**—General Laws.

**HCS** for **HB 2048**—Ways and Means.

**HCS** for **HB 2357**—Veterans' Affairs, Pensions and Urban Affairs.

**HCS** for **HBs 2262** and **2264**—General Laws.

**HCS** for **HBs 1695, 1742** and **1674**—Judiciary and Civil and Criminal Jurisprudence.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1524** and **2260**, entitled:

An Act to repeal sections 34.074, 41.030, 41.216, 41.470, 41.480, 41.500, 41.560, 115.279, 115.281, 115.287, 115.291, 115.292, 160.545, 194.119, 447.503, and 447.559, RSMo, and to enact in lieu thereof thirty new sections relating to military forces, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 2081**, entitled:

An Act to repeal section 563.031, RSMo, and to enact in lieu thereof one new section relating to the use of force by a pregnant woman to defend her unborn child.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2070**, entitled:

An Act to repeal section 321.243, RSMo, and to enact in lieu thereof one new section relating to taxes for joint central fire and emergency dispatching services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1404**, entitled:

An Act to repeal section 578.009, RSMo, and to enact in lieu thereof two new sections relating to the neglect and control of animals, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1871**, entitled:

An Act to repeal sections 260.005, 260.262, 260.965, and 414.072, RSMo, and to enact in lieu thereof twenty-eight new sections relating to environmental protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1244**, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemptions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **RESOLUTIONS**

Senator Scott offered Senate Resolution No. 2193, regarding students from Heber Hunt Elementary School, Sedalia, which was adopted.



Senator Scott offered Senate Resolution No. 2194, regarding the Service Learning program, Whittier Alternative High School, Sedalia, which was adopted.

Senator Goodman offered Senate Resolution No. 2195, regarding William N. Roston, D.O., Forsyth, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Vogel introduced to the Senate, Adam Alonzo, Jace Duemmel, Haley Neal, David Golden, Carson Hayes, Logan Allen, Isabella Eitel, Brekka Ellis, Lynn Gosche, Brandon Hansberry, Rebecca Hassell, Maggie Hilty, Tripp Maassen, Yumi Robben, Riley Robyn, Cooper Rowden, Avery Schaffer, William Sides, Warren Stier, and Finley Toeppen from Methodist Early Learning Center, Jefferson City; and Carson and Cooper were made honorary pages.

Senator Shields introduced to the Senate, Kris Larson, Jacob Kimble, Jimmie Hunter, Beth Bachman and Judge Dan Kellogg and twenty students from Central High School, St. Joseph; and Xan Kellogg, John Bachman, Noah Green, Dakota Engle, Becky Black and Lindsey Wickham were made honorary pages.

Senator Champion introduced to the Senate, parents and thirty students from Greenwood Laboratory School, Springfield.

Senator Crowell introduced to the Senate, fourth grade students from Alama Schrader Elementary School, Cape Girardeau.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Gregory Branham, M.D., St. Louis.

Senator Nodler introduced to the Senate, representatives of Leadership Joplin, class of 2010.

Senator Scott introduced to the Senate, Jared Scofield, Dorie Scofield, Ryan Ryn, Matthew Murray, Jung Yun Jang, Chantelle Shaw from Overland Christian High School, Overland Park, Kansas.

Senator Shields introduced to the Senate, Mark Juhl and seventh and eighth grade students from St. Joseph Christian School.

On behalf Senator Crowell, Senator Shields introduced to the Senate, parents and students from Kelso School.

On motion of Senator Engler, the Senate adjourned until 3:00 p.m., Monday, April 19, 2010.

### **SENATE CALENDAR**

---

FIFTY-FOURTH DAY—MONDAY, APRIL 19, 2010

---

### **FORMAL CALENDAR**

#### **HOUSE BILLS ON SECOND READING**

HCS for HBs 1524 & 2260

HCS for HB 2081

HCS for HB 2070

HCS for HB 1404

HCS for HB 1871

HCS for HB 1244

## THIRD READING OF SENATE BILLS

- |  |  |
|--|--|
| 1. SB 627-Justus (In Fiscal Oversight)                     | 8. SCS for SB 622-Shoemyer<br>(In Fiscal Oversight)      |
| 2. SJR 20-Bartle (In Fiscal Oversight)                     | 9. SS for SCS for SB 734-Pearce<br>(In Fiscal Oversight) |
| 3. SB 779-Bartle (In Fiscal Oversight)                     | 10. SS for SB 714-Crowell (In Fiscal Oversight)          |
| 4. SCS for SB 944-Shields (In Fiscal Oversight)            | 11. SS for SB 943-Shields (In Fiscal Oversight)          |
| 5. SB 816-Lembke   | 12. SS for SB 1057-Shields (In Fiscal Oversight)         |
| 6. SB 1026-Rupp (In Fiscal Oversight)                      |  |
| 7. SS for SCS for SB 884-Schaefer<br>(In Fiscal Oversight) |  |

## SENATE BILLS FOR PERFECTION

- |                          |                          |
|--------------------------|--------------------------|
| SJR 44-Shields           | SJR 45-Shields, with SCS |
| SB 1022-Stouffer         | SB 643-Keaveny, with SCS |
| SB 639-Schmitt, with SCS |                          |

## HOUSE BILLS ON THIRD READING

- |  |                                   |
|--|-----------------------------------|
| 1. HCS for HJR 86, with SCS (Stouffer) | 6. HB 1268-Meiners                |
| 2. HCS for HB 1675, with SCS           | 7. HB 1336-Brandom, et al         |
| 3. HJR 76-Dethrow, et al, with SCS     | 8. HB 1691-Kraus, et al (Pearce)  |
| 4. HB 2109-Ruzicka, with SCS           | 9. HB 2111-Faith, et al, with SCS |
| 5. HB 1662-Brown (149), et al          | 10. HB 1941-Parson, with SCS      |

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

- |  |   |
|--|---|
| SCS for SB 631-Cunningham<br>(In Fiscal Oversight) | SCS for SB 826-Griesheimer<br>SB 1001-Griesheimer |
|--|---|

## SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 579-Shields, with SCS                                   | SBs 607, 602, 615 & 725-Stouffer, with<br>SCS & SA 1 (pending) |
| SB 587-Nodler and Cunningham, with<br>SCS & SA 1 (pending) | SB 698-Griesheimer, with SCS,<br>SS for SCS & SA 1 (pending)   |
| SB 596-Callahan, with SCS (pending)                        | SB 705-Griesheimer   |
| SB 606-Stouffer  |  |

SB 738-Crowell, with SCS	SB 905-Bray, et al, with SCS & SS for SCS (pending)
SB 747-Rupp, et al, with SA 1 (pending)	SB 999-Schaefer
SB 784-Schaefer and Pearce	SB 1007-Dempsey
SB 792-Dempsey and Rupp, with SS (pending)	SB 1016-Mayer, with SCS
SB 797-Green	SB 1017-Mayer, with SCS (pending)
SB 810-Lager, with SCS	SJR 22-Callahan
SB 818-Lembke, with SCS (pending)	SJR 25-Cunningham, et al, with SCS, SS#2 for SCS & SA 5 (pending)
SB 839-Wright-Jones, with SCS	SJR 29-Purgason and Cunningham, with SCS & SS#2 for SCS (pending)
SB 852-Lager, et al, with SS, SA 1 & SSA 1 for SA 1 (pending)	SJR 31-Scott
SB 868-Shields	SJR 33-Bartle, with SA 1 (pending)
SB 878-Lembke, with SCS (pending)	SJR 34-Goodman, et al, with SA 1 (pending)
SBs 880, 780 & 836-Schaefer, with SCS	SJR 38-Ridgeway
SBs 895, 813, 911, 924, 922 & 802-Dempsey, et al, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)	SJR 40-Goodman, with SA 1 (pending)
SB 896-Shields and Crowell, with SA 1 (pending)	

#### HOUSE BILLS ON THIRD READING

SS for SCS for HB 1442-Jones (89), et al (Nodler) (In Fiscal Oversight)	SCS for HB 1677-Hoskins (80), (Days) (In Fiscal Oversight)
HCS#2 for HB 1472 (Schaefer)	HCS for HB 2198, with SCS (Griesheimer)

#### CONSENT CALENDAR

##### House Bills

Reported 4/15

HCS for HB 1290, with SCS	HCS for HB 1806
HB 1340-Dugger	HB 1942-Parson
HB 1392-Kirkton, et al, with SCS	HCS for HB 2297, with SCS
HB 1595-Dugger, et al	HB 1270-Meiners
HB 1612-Molendorg and Scavuzzo, with SCS	HB 1894-Bringer
HB 1643-Brown (50), et al (Wilson)	HCS for HB 1898
HB 1705-Molendorp & Scavuzzo, with SCS	HCS for HB 1977

HB 2270-Cooper

HB 2056-Diehl

HB 1609-Diehl, with SCS

HB 1654-Zimmerman, et al (Goodman)

HCS for HB 1848

HB 2182-Munzlinger and Smith (150)

HCS for HB 2161

HCS for HB 2231

HB 2317-Tracy, with SCS

HB 1713-Sander, et al

HCS for HB 1831, with SCS

HB 1892-Nasheed, et al, with SCS

HCS for HB 1858, with SCS

HCS for HBs 2147 &amp; 2261

## RESOLUTIONS

### Reported from Committee

SCR 42-Bray, with SCA 1

HCS for HCR 18, with SA 1 (pending) (Rupp)

SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)

SCR 52-Lager

HCS for HCRs 34 &amp; 35 (Schmitt)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-FOURTH DAY—MONDAY, APRIL 19, 2010**

---

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“This is what the Holy One said to Israel: My children, what do I seek from you? I seek no more than that you love one another and honor one another.” (Tanna d'Bai Eliyahu)

Lord, we are thankful for Your watching over our travel this day and bringing us safely here to serve You and the people we represent. In our serving may we always honor one another and see to love even those who are sometimes hard to love. So we pray guide our thoughts and actions whether in or out of this chamber so they reflect our love for You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 15, 2010 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 2196, regarding Super 8 Motel, Perryville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2197, regarding Richard “Dick” Stratman, Washington, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2198, regarding John Covington, New Haven, which was adopted.

Senator Crowell offered Senate Resolution No. 2199, regarding Linda T. Sacha, which was adopted.

Senator Crowell offered Senate Resolution No. 2200, regarding Ann Hogan, which was adopted.

Senator Crowell offered Senate Resolution No. 2201, regarding Toni Ryan Dement, which was adopted.

Senator Crowell offered Senate Resolution No. 2202, regarding Ann E. Cunningham, which was adopted.

Senator Shields offered Senate Resolution No. 2203, regarding Jacob C. Phillip Hochard, which was adopted.

Senator Shields offered Senate Resolution No. 2204, regarding Alexander M. Stearns, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2205, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Overschmidt, Sr., Union, which was adopted.

Senator Bartle offered Senate Resolution No. 2206, regarding Jason Jackson Ringer, which was adopted.

Senator Bartle offered Senate Resolution No. 2207, regarding Joseph David Stanton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2208, regarding the Fathers’ Support Center, Saint Louis, which was adopted.

Senator Wilson offered Senate Resolution No. 2209, regarding the Missouri Federation of Chapters of the National Active and Retired Federal Employees Association, which was adopted.

Senator Wilson offered Senate Resolution No. 2210, regarding Abena Adutwum, Kansas City, which was adopted.

Senator Bray offered Senate Resolution No. 2211, regarding Julie Morgan, Rock Hill, which was adopted.

Senator Crowell offered Senate Resolution No. 2212, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vernon Eggimann, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2213, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Terry Wayne Pohlman, Oak Ridge, which was adopted.

Senator Crowell offered Senate Resolution No. 2214, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Mike Eby, Whitewater, which was adopted.

Senator Crowell offered Senate Resolution No. 2215, regarding the Fiftieth Wedding Anniversary of

Mr. and Mrs. Joe D. King, Cape Girardeau, which was adopted.

Senator Dempsey offered Senate Resolution No. 2216, regarding Matthew Kyle Thomas, St. Peters, which was adopted.

### **SENATE BILLS FOR PERFECTION**

Senator Dempsey moved that **SB 1007** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Dempsey offered **SS** for **SB 1007**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 1007**

An Act to repeal sections 208.010, 208.895, 208.909, 208.918, and 660.300, RSMo, and to enact in lieu thereof six new sections relating to public assistance programs administered by the state, with penalty provisions and a contingent effective date for a certain section.

Senator Dempsey moved that **SS** for **SB 1007** be adopted.

Senator Green offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 1007, Page 10, Section 208.010, Line 8 of said page, by inserting immediately after said line the following:

“208.453. Every hospital as defined by section 197.020, RSMo, except [public hospitals which are operated primarily for the care and treatment of mental disorders and] any hospital operated by the department of health and senior services, shall, in addition to all other fees and taxes now required or paid, pay a federal reimbursement allowance for the privilege of engaging in the business of providing inpatient health care in this state. For the purpose of this section, the phrase “engaging in the business of providing inpatient health care in this state” shall mean accepting payment for inpatient services rendered. The federal reimbursement allowance to be paid by a hospital which has an unsponsored care ratio that exceeds sixty-five percent or hospitals owned or operated by the board of curators, as defined in chapter 172, RSMo, may be eliminated by the director of the department of social services. The unsponsored care ratio shall be calculated by the department of social services.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2**:

#### **SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Bill No. 1007, Pages 10-11, Section 208.895, by striking said section and inserting in lieu thereof the following:

“208.895. Upon receipt of a properly completed referral for MO HealthNet-funded home- and community-based care containing a nurse assessment or physician's order, the department of health and senior services shall:

- (1) Review the recommendations regarding services and process the referral within fifteen business

days;

(2) Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3) Arrange for the provision of services by an in-home provider;

(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6) Notify the referring entity within five business days of receiving the referral if additional information is required to process the referral; and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days. **The department of health and senior services shall establish contracts for home and community based assessment pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall provide for contracts with an independent third party assessor and shall meet the requirements of this section including requiring a care plan. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of third party assessments on the quality of the services delivered to home and community based participants.**"; and

Further amend said bill, Page 24, Section B, Lines 11 to 16, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Schmitt offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 1007, Page 10, Section 208.010, Line 8, by inserting after all of said line the following:

"208.215. 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made [in] **on** behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for



payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. **Any health benefit plan as defined in section 376.1350, third party administrator, administrative service organization, and pharmacy benefits manager, shall process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims:**

**(1) For a period of three years from the date services were provided or rendered, regardless of any other timely filing requirement otherwise imposed by such entity, and the entity shall not deny such claims on the basis of the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization; and**

**(2) If any action by the state to enforce its rights with respect to such claim is commenced within six years of the state's submission of such claim.**

2. The department of social services, MO HealthNet division, or its contractor may maintain an appropriate action to recover funds paid by the department of social services or MO HealthNet division or its contractor that are due under this section in the name of the state of Missouri against the person, corporation, institution, public agency, or private agency liable to the participant, minor or estate.

3. Any participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death who pursues legal rights against a person, corporation, institution, public agency, or private agency liable to that participant or minor for injuries, disease or disability or benefits arising from a health insurance plan to which the participant may be entitled as outlined in subsection 1 of this section shall upon actual knowledge that the department of social services or MO HealthNet division has paid MO HealthNet benefits as defined by this chapter promptly notify the MO HealthNet division as to the pursuit of such legal rights.

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate without good cause as determined by the department of social services, MO HealthNet division in accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A [recipient] **participant** who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational

or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

6. Every participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death, or his attorney or legal representative shall promptly notify the MO HealthNet division of any recovery from a third party and shall immediately reimburse the department of social services, MO HealthNet division, or its contractor from the proceeds of any settlement, judgment, or other recovery in any action or claim initiated against any such third party. A judgment, award, or settlement in an action by a [recipient] **participant** to recover damages for injuries or other third-party benefits in which the division has an interest may not be satisfied without first giving the division notice and a reasonable opportunity to file and satisfy the claim or proceed with any action as otherwise permitted by law.

7. The department of social services, MO HealthNet division or its contractor shall have a right to recover the amount of payments made to a provider under this chapter because of an injury, disease, or disability, or benefits arising from a health insurance plan to which the participant may be entitled for which a third party is or may be liable in contract, tort or otherwise under law or equity. Upon request by the MO HealthNet division, all third-party payers shall provide the MO HealthNet division with information contained in a 270/271 Health Care Eligibility Benefits Inquiry and Response standard transaction mandated under the federal Health Insurance Portability and Accountability Act, except that third-party payers shall not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity insurance policies.

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled which resulted in payments made by the department or MO HealthNet division. In each case, a lien notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the

recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) The amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the participant incident to the recovery; and whether the department should, as a matter of fairness and equity, bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) The amount, if any, of the attorney's fees and other costs incurred by the participant incident to the recovery and paid by the participant up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) The total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the participant, by insurance provided by the participant, and by the department, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) Whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the participant;

(5) The age of the participant and of persons dependent for support upon the participant, the nature and permanency of the participant's injuries as they affect not only the future employability and education of the participant but also the reasonably necessary and foreseeable future material, maintenance, medical rehabilitative and training needs of the participant, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) The realistic ability of the participant to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction. **The computerized records of the MO HealthNet division, certified by the director or his designee, shall be prima facie evidence of proof of moneys expended and the amount of the debt due the state.**

11. The court may reduce and apportion the department's or MO HealthNet division's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The department or MO HealthNet division shall pay its pro rata share of the attorney's fees based on the department's or MO HealthNet division's lien as it compares to the total settlement agreed upon. This section shall not affect the priority of an attorney's lien under section 484.140, RSMo. The charges of the department or MO HealthNet division or contractor described in this section, however, shall take priority over all other liens and charges existing under the laws of the state of Missouri with the exception of the attorney's lien under such statute.

12. Whenever the department of social services or MO HealthNet division has a statutory charge under this section against a recovery for damages incurred by a participant because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, [irrespective] **regardless** of whether [or not] an action based on participant's claim has been filed in court. Nothing herein shall prohibit the director from entering into a compromise agreement with any participant, after consideration of the factors in subsections 9 to 13 of this section.

13. This section shall be inapplicable to any claim, demand or cause of action arising under the workers' compensation act, chapter 287, RSMo. From funds recovered pursuant to this section the federal government shall be paid a portion thereof equal to the proportionate part originally provided by the federal government to pay for MO HealthNet benefits to the participant or minor involved. The department or MO HealthNet division shall enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on permanently institutionalized individuals. The department or MO HealthNet division shall have the right to enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on all other institutionalized individuals. For the purposes of this subsection, "permanently institutionalized individuals" includes those people who the department or MO HealthNet division determines cannot reasonably be expected to be discharged and return home, and "property" includes the homestead and all other personal and real property in which the participant has sole legal interest or a legal interest based upon co-ownership of the property which is the result of a transfer of property for less than the fair market value within thirty months prior to the participant's entering the nursing facility. The following provisions shall apply to such liens:

(1) The lien shall be for the debt due the state for MO HealthNet benefits paid or to be paid on behalf of a participant. The amount of the lien shall be for the full amount due the state at the time the lien is enforced;

(2) The MO HealthNet division shall file for record, with the recorder of deeds of the county in which any real property of the participant is situated, a written notice of the lien. The notice of lien shall contain the name of the participant and a description of the real estate. The recorder shall note the time of receiving such notice, and shall record and index the notice of lien in the same manner as deeds of real estate are required to be recorded and indexed. The director or the director's designee may release or discharge all or part of the lien and notice of the release shall also be filed with the recorder. The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar filings in connection with the filing of a lien and any other necessary documents;

(3) No such lien may be imposed against the property of any individual prior to the individual's death on account of MO HealthNet benefits paid except:

(a) In the case of the real property of an individual:

a. Who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution, to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; and

b. With respect to whom the director of the MO HealthNet division or the director's designee determines, after notice and opportunity for hearing, that he cannot reasonably be expected to be discharged from the medical institution and to return home. The hearing, if requested, shall proceed under the provisions of chapter 536, RSMo, before a hearing officer designated by the director of the MO HealthNet

division; or

(b) Pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual;

(4) No lien may be imposed under paragraph (b) of subdivision (3) of this subsection on such individual's home if one or more of the following persons is lawfully residing in such home:

(a) The spouse of such individual;

(b) Such individual's child who is under twenty-one years of age, or is blind or permanently and totally disabled; or

(c) A sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution;

(5) Any lien imposed with respect to an individual pursuant to subparagraph b of paragraph (a) of subdivision (3) of this subsection shall dissolve upon that individual's discharge from the medical institution and return home.

14. The debt due the state provided by this section is subordinate to the lien provided by section 484.130, RSMo, or section 484.140, RSMo, relating to an attorney's lien and to the participant's expenses of the claim against the third party.

15. Application for and acceptance of MO HealthNet benefits under this chapter shall constitute an assignment to the department of social services or MO HealthNet division of any rights to support for the purpose of medical care as determined by a court or administrative order and of any other rights to payment for medical care.

16. All participants receiving benefits as defined in this chapter shall cooperate with the state by reporting to the family support division or the MO HealthNet division, within thirty days, any occurrences where an injury to their persons or to a member of a household who receives MO HealthNet benefits is sustained, on such form or forms as provided by the family support division or MO HealthNet division.

17. If a person fails to comply with the provision of any judicial or administrative decree or temporary order requiring that person to maintain medical insurance on or be responsible for medical expenses for a dependent child, spouse, or ex-spouse, in addition to other remedies available, that person shall be liable to the state for the entire cost of the medical care provided pursuant to eligibility under any public assistance program on behalf of that dependent child, spouse, or ex-spouse during the period for which the required medical care was provided. Where a duty of support exists and no judicial or administrative decree or temporary order for support has been entered, the person owing the duty of support shall be liable to the state for the entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

18. The department director or the director's designee may compromise, settle or waive any such claim in whole or in part in the interest of the MO HealthNet program. Notwithstanding any provision in this section to the contrary, the department of social services, MO HealthNet division is not required to seek reimbursement from a liable third party on claims for which the amount it reasonably expects to recover will be less than the cost of recovery or for which recovery efforts will not be cost-effective. Cost-effectiveness is determined based on the following:

(1) Actual and legal issues of liability as may exist between the [recipient] **participant** and the liable party;

(2) Total funds available for settlement; and

(3) An estimate of the cost to the division of pursuing its claim.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 1007, Page 24, Section B, Lines 11-16, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 1007, Page 1, Section A, Line 4, by inserting after all of said line the following:

**“198.016. Prior to admission of a MO HealthNet individual into a long-term care facility, the prospective resident or his or her next of kin, legally authorized representative, or designee shall be informed of the home and community based services available in this state and shall have on record that such home and community based services have been declined as an option.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Shoemyer offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 1007, Page 11, Section 208.895, Line 15 of said page, by inserting immediately after “assessor.” the following: **“The contract shall include a requirement that:**

**(1) Within fifteen days of receipt of a referral for service, the contractor shall have made an assessment of care need and developed a plan of care; and**

**(2) The contractor notify the referring entity within five days of receipt of referral if additional information is needed to process the referral.**

**The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service.”.**

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

At the request of Senator Dempsey, **SB 1007**, with **SS**, as amended, was placed on the Informal Calendar.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HJR 86**, with **SCS**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to raise animals.

Was taken up by Senator Stouffer.

**SCS** for **HCS** for **HJR 86**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE JOINT RESOLUTION NO. 86**

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to raise animals.

Was taken up.

Senator Stouffer moved that **SCS** for **HCS** for **HJR 86** be adopted.

Senator Griesheimer assumed the Chair.

Senator Stouffer offered **SS** for **SCS** for **HCS** for **HJR 86**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE JOINT RESOLUTION NO. 86**

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to raise animals.

Senator Stouffer moved that **SS** for **SCS** for **HCS** for **HJR 86** be adopted.

Senator Dempsey assumed the Chair.

At the request of Senator Stouffer, **HCS** for **HJR 86**, with **SCS** and **SS** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 793**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

April 16, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Curtis E. Chick, Jr., 1902 Sun Meadow, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2014, and until his successor is duly appointed and qualified; vice, Patrick Kellett, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

April 16, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark H. Hargens, Democrat, 2212 Carper Drive, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Northwest Missouri State University Board of Regents for a term ending January 1, 2015, and until his successor is duly appointed and qualified; vice, Rita Hanks, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

April 16, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carolyn R. Mahoney, 1901 Andrea Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Midwestern Higher Education Commission for a term ending January 1, 2013, and until her successor is duly appointed and qualified; vice, Robert Stein, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

April 16, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ginger E. Nicol, 1155 Appleseed Lane, Unit D, Saint Louis, Saint Louis County, Missouri 63132, as a member of the Drug Utilization



Review Board, for a term ending October 15, 2010, and until her successor is duly appointed and qualified; vice, Peggy Wanner-Barjenbruch, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 16, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lisa T. Pelofsky, Democrat, 2750 Charlotte Street, Kansas City, Jackson County, Missouri 64109, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2012, and until her successor is duly appointed and qualified; vice, Karl Zobrist, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 16, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James R. Person, 706 Belton Avenue, Belton, Cass County, Missouri 64012, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2014 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

**REFERRALS**

President Pro Tem Shields referred **HCS** for **HB 1675**, with **SCS**; **HJR 76**, with **SCS**; and **SS** for **SCS** for **SB 793** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Stouffer assumed the Chair.

**SENATE BILLS FOR PERFECTION**

Senator Dempsey moved that **SB 1007**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SB 1007**, as amended, was again taken up.

Senator Dempsey moved that **SS** for **SB 1007**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SS** for **SB 1007**, as amended, was declared perfected and ordered printed.

## RESOLUTIONS

Senator Engler offered Senate Resolution No. 2217, regarding Glenna Lucas, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 2218, regarding Velma Baldwin, which was adopted.

Senator Engler offered Senate Resolution No. 2219, regarding Thomas Brann, which was adopted.

Senator Engler offered Senate Resolution No. 2220, regarding Buena House, which was adopted.

Senator Engler offered Senate Resolution No. 2221, regarding Joyce Dowell, which was adopted.

Senator Engler offered Senate Resolution No. 2222, regarding Linda Wheatley, which was adopted.

Senator Engler offered Senate Resolution No. 2223, regarding Michael Jarvis, which was adopted.

Senator Engler offered Senate Resolution No. 2224, regarding Lois J. Flieg, Saint Mary, which was adopted.

Senator Engler offered Senate Resolution No. 2225, regarding Belinda Powell, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 2226, regarding Helen Mitchell, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 2227, regarding Janis Trautman, Sainte Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 2228, regarding Robert John Zeiss, Sainte Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 2229, regarding Mary L. Rosenquist, Saint Mary, which was adopted.

Senator Engler offered Senate Resolution No. 2230, regarding Ellen Sachs, which was adopted.

Senator Engler offered Senate Resolution No. 2231, regarding Cheryl Mayfield, which was adopted.

Senator Engler offered Senate Resolution No. 2232, regarding Ruth Merritt, which was adopted.

Senator Engler offered Senate Resolution No. 2233, regarding Rebecca Pruitt, which was adopted.

## COMMUNICATIONS

Senator Crowell submitted the following:

April 19, 2010

Ms. Terry Spieler  
Secretary of Senate  
State Capitol Building - Room 325  
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

**HB 1340** - Repeals the provision of law allowing fire protection districts in Douglas County to seek voter approval to impose a sales tax;

**HB 1595** - Includes construction, extension, and improvement of public roads in the definition of project for the purposes of industrial development corporations;

**HB 1643** - Authorizes the recorder of deeds in Jackson County to collect a \$1 donation in addition to the fees charged for marriage and birth records to assist homeless families in the county;

**HB 1705** - Provides an alternate procedure to approve bond issuance for a sewer subdistrict in Cass County;

**HCS for HB 1806** - Increases the assessed valuation a county must maintain in order to move into a higher classification with exceptions for certain counties of the second classification;

**HB 1942** - Modifies requirements for the emergency telephone service 911 board in Polk County;

**HCS for HB 2297** - Authorizes the establishment of the Kansas City Zoological District;

**HB 1270** - Changes the name of the Crippled Children's Service to the Children's Special Health Care Needs Service and modifies references to crippled children accordingly;

**HB 1894** - Requires the Director of the Department of Mental Health, or his or her designee, to certify overdue patient accounts submitted to a court for collection;

**HB 1898** - Establishes the Women's Heart Health Program to provide heart disease risk screenings to certain uninsured and underinsured women;

**HB 1977** - Modifies the laws regarding emergency services and emergency medical technicians-intermediate;

**HB 2270** - Allows child abuse medical resource centers and SAFE CARE providers to collaborate to promote improved services to children who are suspected victims of abuse in need of a forensic medical exams;

**HB 1609** - Modifies requirements regarding the presiding judge of a circuit court's assignment of certain types of cases;

**HCS for HB 1848** - Creates the Urban Farming Task Force;

**HCS for HB 2161** - Specifies that "commercial purposes" as it relates to the sale of driver's license application information will not include when used, compiled, or obtained for certain purposes expressly allowed by law;

**HCS for HB 2231** - Modifies the procedures by which a funeral establishment may dispose of cremated remains;

**HB 2317** - Authorizes the Governor to convey certain state property located in the counties of Cape Girardeau and Cole;

**HB 1713** - Requires health carriers to cover adopted children of an insured on the same basis as other dependents;

**HCS for HB 1831** - Allows school districts, after ten years, to return donated real property to the original donor or to sell it as surplus; and

**HCS for HBs 2147 & 2261** - Exempts certain students who are dependents of recently retired military personnel from the three-year attendance requirement under the A+ Schools Program.

Sincerely,  
/s/ Jason G. Crowell  
Jason G. Crowell  
State Senator

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

FIFTY-FIFTH DAY—TUESDAY, APRIL 20, 2010

---

## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HBs 1524 & 2260  
HCS for HB 2081  
HCS for HB 2070

HCS for HB 1404  
HCS for HB 1871  
HCS for HB 1244

## THIRD READING OF SENATE BILLS

- |  |  |
|--|--|
| 1. SB 627-Justus (In Fiscal Oversight)                     | 9. SS for SCS for SB 734-Pearce<br>(In Fiscal Oversight) |
| 2. SJR 20-Bartle (In Fiscal Oversight)                     | 10. SS for SB 714-Crowell (In Fiscal Oversight)          |
| 3. SB 779-Bartle (In Fiscal Oversight)                     | 11. SS for SB 943-Shields (In Fiscal Oversight)          |
| 4. SCS for SB 944-Shields (In Fiscal Oversight)            | 12. SS for SB 1057-Shields (In Fiscal Oversight)         |
| 5. SB 816-Lembke   | 13. SS for SCS for SB 793-Mayer<br>(In Fiscal Oversight) |
| 6. SB 1026-Rupp (In Fiscal Oversight)                      |  |
| 7. SS for SCS for SB 884-Schaefer<br>(In Fiscal Oversight) |  |
| 8. SCS for SB 622-Shoemyer<br>(In Fiscal Oversight)        |  |

## SENATE BILLS FOR PERFECTION

SJR 44-Shields	SJR 45-Shields, with SCS
SB 1022-Stouffer	SB 643-Keaveny, with SCS
SB 639-Schmitt, with SCS	

## HOUSE BILLS ON THIRD READING

HCS for HB 1675, with SCS (Ridgeway) (In Fiscal Oversight)	HB 1268-Meiners (Justus)
HJR 76-Dethrow, et al, with SCS (Purgason) (In Fiscal Oversight)	HB 1336-Brandom, et al (Days)
HB 2109-Ruzicka, with SCS (Lager)	HB 1691-Kraus, et al (Pearce)
HB 1662-Brown (149), et al (Clemens)	HB 2111-Faith, et al, with SCS
	HB 1941-Parson, with SCS (Scott)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham (In Fiscal Oversight)	SCS for SB 826-Griesheimer SB 1001-Griesheimer
--	---

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)
SB 587-Nodler and Cunningham, with SCS & SA 1 (pending)	SB 698-Griesheimer, with SCS, SS for SCS & SA 1 (pending)
SB 596-Callahan, with SCS (pending)	SB 705-Griesheimer
SB 606-Stouffer	

SB 738-Crowell, with SCS  
 SB 747-Rupp, et al, with SA 1 (pending)  
 SB 784-Schaefer and Pearce  
 SB 792-Dempsey and Rupp, with SS (pending)  
 SB 797-Green  
 SB 810-Lager, with SCS  
 SB 818-Lembke, with SCS (pending)  
 SB 839-Wright-Jones, with SCS  
 SB 852-Lager, et al, with SS,  
     SA 1 & SSA 1 for SA 1 (pending)  
 SB 868-Shields  
 SB 878-Lembke, with SCS (pending)  
 SBs 880, 780 & 836-Schaefer, with SCS  
 SBs 895, 813, 911, 924, 922 &  
     802-Dempsey, et al, with SCS, SS for  
     SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
     SSA 1 for SA 1 (pending)

SB 896-Shields and Crowell, with SA 1  
     (pending)  
 SB 905-Bray, et al, with SCS & SS for  
     SCS (pending)  
 SB 999-Schaefer  
 SB 1016-Mayer, with SCS  
 SB 1017-Mayer, with SCS (pending)  
 SJR 22-Callahan  
 SJR 25-Cunningham, et al, with SCS,  
     SS#2 for SCS & SA 5 (pending)  
 SJR 29-Purgason and Cunningham,  
     with SCS & SS#2 for SCS (pending)  
 SJR 31-Scott  
 SJR 33-Bartle, with SA 1 (pending)  
 SJR 34-Goodman, et al, with SA 1 (pending)  
 SJR 38-Ridgeway  
 SJR 40-Goodman, with SA 1 (pending)

#### HOUSE BILLS ON THIRD READING

SS for SCS for HB 1442-Jones (89), et al  
     (Nodler) (In Fiscal Oversight)  
 HCS#2 for HB 1472 (Schaefer)  
 SCS for HB 1677-Hoskins (80) (Days)  
     (In Fiscal Oversight)

HCS for HB 2198, with SCS (Griesheimer)  
 HCS for HJR 86, with SCS & SS for SCS  
     (pending) (Stouffer)

#### CONSENT CALENDAR

##### House Bills

Reported 4/15

HCS for HB 1290, with SCS (Griesheimer)  
 HB 1392-Kirkton, et al, with SCS  
 HB 1612-Molendorg and Scavuzzo, with SCS  
     (Pearce)  
 HB 2056-Diehl (Bartle)  
 HB 1654-Zimmerman, et al (Goodman)

HB 2182-Munzlinger and Smith (150)  
     (Clemens)  
 HB 1892-Nasheed, et al, with SCS  
     (Cunningham)  
 HCS for HB 1858, with SCS (Shoemyer)

#### RESOLUTIONS

##### Reported from Committee

SCR 42-Bray, with SCA 1  
 HCS for HCR 18, with SA 1 (pending) (Rupp)  
 SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)  
 SCR 52-Lager  
 HCS for HCRs 34 & 35 (Schmitt)

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-FIFTH DAY—TUESDAY, APRIL 20, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Meekness is the greatest of virtues.” (Talmud 20b)

Heavenly Father, we know meekness is the quiet, peaceful sense of strength that comes from commitment to You and what is important in our life and the values we hold. It is important then that we truly are meek in ourselves so that the way we live and handle the various stresses and changes that come into our life comes from this core. And we pray that the decisions we make and the effectiveness of the bills we pass comes also from our meekness so that they produce the most helpful results that we seek to make happen. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Vogel offered Senate Resolution No. 2234, regarding John Donald Balkenbush, Centertown, which was adopted.

Senator Engler offered Senate Resolution No. 2235, regarding John Taylor, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 2236, regarding Denise Ransom, which was adopted.

Senator Stouffer offered Senate Resolution No. 2237, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Hopkins, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 2238, regarding Comfort Inn, Macon, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2239, regarding Glenna Irene West, Liberty, which was adopted.

Senator Crowell offered Senate Resolution No. 2240, regarding Meg Goodman, which was adopted.

Senator Clemens offered Senate Resolution No. 2241, regarding Edward Edgar Laughlin, Springfield, which was adopted.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2001** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 2002** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 2003** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2004** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2005** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2006** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2007** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2008** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2009** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2010** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2011** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2012** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2013** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1788**, entitled:

An Act to repeal sections 116.080 and 116.090, RSMo, and to enact in lieu thereof two new sections relating to petition circulators, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.



Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 78**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 2(b) of article XII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to amending the constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **PRIVILEGED MOTIONS**

Senator Mayer requested unanimous consent of the Senate to be allowed to make one motion to send **SCS for HCS for HB 2001; SS for SCS for HCS for HB 2002; SS for SCS for HCS for HB 2003; SCS for HCS for HB 2004; SCS for HCS for HB 2005; SCS for HCS for HB 2006; SCS for HCS for HB 2007; SCS for HCS for HB 2008; SCS for HCS for HB 2009; SCS for HCS for HB 2010; SCS for HCS for HB 2011; SCS for HCS for HB 2012; and SCS for HCS for HB 2013** to conference in one motion, which request was granted.

Senator Mayer moved that the Senate refuse to recede from its position on **SCS for HCS for HB 2001; SS for SCS for HCS for HB 2002; SS for SCS for HCS for HB 2003; SCS for HCS for HB 2004; SCS for HCS for HB 2005; SCS for HCS for HB 2006; SCS for HCS for HB 2007; SCS for HCS for HB 2008; SCS for HCS for HB 2009; SCS for HCS for HB 2010; SCS for HCS for HB 2011; SCS for HCS for HB 2012; and SCS for HCS for HB 2013** and grant the House a conference thereon, which motion prevailed.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2001**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS for SCS for HCS for HB 2002**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS for SCS for HCS for HB 2003**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2004**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2005**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2006**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2007**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2008**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2009**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2010**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2011**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2012**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2013**: Senators Mayer, Schaefer, Rupp, Bray and Green.

### **REPORTS OF STANDING COMMITTEES**

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 734**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SB 714**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **HB 1677**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SB 943**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 1007**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **HOUSE BILLS ON THIRD READING**

Senator Days moved that **SCS** for **HB 1677** be called from the Informal Calendar and taken up for 3rd

reading and final passage, which motion prevailed.

On motion of Senator Days, **SCS** for **HB 1677** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senator Crowell—1

Absent—Senators—None

Absent with leave—Senators

Scott Wright-Jones—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senator Crowell—1

Absent—Senators—None

Absent with leave—Senators

Scott Wright-Jones—2

Vacancies—None

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Rupp assumed the Chair.

### THIRD READING OF SENATE BILLS

**SB 816**, introduced by Senator Lembke, entitled:

An Act to repeal section 143.811, RSMo, and to enact in lieu thereof one new section relating to interest on overpayments of taxes.

Was taken up.

On motion of Senator Lembke, **SB 816** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators

Scott Wright-Jones—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 734**, introduced by Senator Pearce, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 734

An Act to amend chapters 160 and 162, RSMo, by adding thereto four new sections relating to elementary and secondary education.

Was taken up.

On motion of Senator Pearce, **SS** for **SCS** for **SB 734** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Green	Griesheimer	Keaveny	McKenna	Pearce	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson—22		

NAYS—Senators

Crowell	Goodman	Justus	Lager	Lembke	Mayer	Nodler	Purgason
Ridgeway—9							

Absent—Senator Bartle—1

Absent with leave—Senators

Scott Wright-Jones—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS** for **SB 714**, introduced by Senator Crowell, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 714

An Act to repeal sections 56.809, 70.605, 104.190, 104.480, 169.020, 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof nineteen new sections relating to retirement.

Was taken up.

Senator Griesheimer assumed the Chair.

On motion of Senator Crowell, **SS** for **SB 714** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt	Shields
Stouffer	Vogel	Wilson—27					

NAYS—Senators

Barnitz	Bray	Justus	Schaefer	Shoemyer—5
---------	------	--------	----------	------------

Absent—Senators—None

Absent with leave—Senators

Scott Wright-Jones—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS** for **SB 943**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 943

An Act to repeal sections 163.031, 163.036, 168.500, and 168.515, RSMo, and to enact in lieu thereof

five new sections relating to state funding for elementary and secondary education, with an emergency clause for certain sections.

Was taken up.

On motion of Senator Shields, **SS** for **SB 943** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Clemens	Days	Dempsey	Engler	Green	Griesheimer
Justus	Keaveny	Lager	Mayer	McKenna	Pearce	Purgason	Ridgeway
Schaefer	Shields	Shoemyer	Stouffer	Vogel	Wilson—22		

NAYS—Senators

Bartle	Bray	Cunningham	Goodman	Lembke	Nodler	Rupp	Schmitt—8
--------	------	------------	---------	--------	--------	------	-----------

Absent—Senators

Champion	Crowell—2
----------	-----------

Absent with leave—Senators

Scott	Wright-Jones—2
-------	----------------

Vacancies—None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Barnitz	Callahan	Clemens	Days	Dempsey	Engler	Green	Griesheimer
Justus	Lager	Mayer	McKenna	Pearce	Purgason	Ridgeway	Schaefer
Shields	Shoemyer	Stouffer	Vogel	Wilson—21			

NAYS—Senators

Bartle	Bray	Crowell	Cunningham	Goodman	Lembke	Nodler	Rupp
Schmitt—9							

Absent—Senators

Champion	Keaveny—2
----------	-----------

Absent with leave—Senators

Scott	Wright-Jones—2
-------	----------------

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

Senator Lembke moved that **SB 878**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 878** was again taken up.

Senator Lembke offered **SS** for **SCS** for **SB 878**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 878

An Act to repeal section 143.790, RSMo, and to enact in lieu thereof two new sections relating to a debt setoff for unpaid healthcare expenses.

Senator Lembke moved that **SS** for **SCS** for **SB 878** be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Lembke, **SB 878**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

**REFERRALS**

President Pro Tem Shields referred **SS** for **SB 1007** to the Committee on Governmental Accountability and Fiscal Oversight.

**MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 19, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Janine M. Burkett, 9718 Sappington Road, Sappington, Saint Louis County, Missouri 63128, as a member of the State Board of Pharmacy, for a term ending April 18, 2015, and until her successor is duly appointed and qualified; vice, Gary Sobocinski, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointment to the Committee on Gubernatorial Appointments.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS** for **HBs 1524** and **2260**—General Laws.

**HCS** for **HB 2081**—General Laws.

**HCS** for **HB 2070**—Jobs, Economic Development and Local Government.

**HCS for HB 1404**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1871**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 1244**—Ways and Means.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Dempsey.

### **RESOLUTIONS**

Senator Stouffer offered Senate Resolution No. 2242, regarding Judith A. Holt, which was adopted.

Senator Stouffer offered Senate Resolution No. 2243, regarding Bernice Wagner, which was adopted.

Senator Stouffer offered Senate Resolution No. 2244, regarding Jill Diane Terrill, which was adopted.

Senator Stouffer offered Senate Resolution No. 2245, regarding Penny Rich, which was adopted.

Senator Stouffer offered Senate Resolution No. 2246, regarding Melissa Kay “Missy” Fotopulos, which was adopted.

Senator Stouffer offered Senate Resolution No. 2247, regarding Cyndi Abney, which was adopted.

Senator Stouffer offered Senate Resolution No. 2248, regarding Karen Mercedes Shackelford, which was adopted.

Senator Stouffer offered Senate Resolution No. 2249, regarding Judy Ann Tye, which was adopted.

Senator Bray offered Senate Resolution No. 2250, regarding Rabbi Mark L. Shook, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2251, regarding Edna Iona Moore, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2252, regarding the Greater Missouri Chapter of the March of Dimes, which was adopted.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HJR 64**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting four new sections relating to voter identification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1966**, entitled:



An Act to repeal sections 115.278, 115.279, 115.281, 115.287, 115.291, 115.292, and 115.427, RSMo, and to enact in lieu thereof nine new sections relating to elections, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1612**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 56**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 55**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

### SENATE BILLS FOR PERFECTION

Senator Shields moved that **SJR 44** be taken up for perfection, which motion prevailed.

Senator Shields offered **SS** for **SJR 44**, entitled:

#### SENATE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 44

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 12 and 52 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the department of education.

Senator Shields moved that **SS** for **SJR 44** be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SJR 44** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 1022** be taken up for perfection, which motion prevailed.

On motion of Senator Stouffer, **SB 1022** was declared perfected and ordered printed.

**SB 639**, with **SCS**, was placed on the Informal Calendar.

Senator Shields moved that **SJR 45**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SJR 45**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 45

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2(a)

of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state board of education.

Was taken up.

Senator Shields moved that **SCS** for **SJR 45** be adopted.

Senator Shields offered **SS** for **SCS** for **SJR 45**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 45

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2(a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state board of education.

Senator Shields moved that **SS** for **SCS** for **SJR 45** be adopted.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 3, Section 2(a), Line 8, by inserting immediately after the word “established” the following: “**as well as the coordinating board for higher education and the department of higher education**”; and further amend line 9 by inserting after all of said line the following:

**“5. The provisions of this section shall become effective July 1, 2011.”.**

Senator Shields moved that the above amendment be adopted.

Senator Schaefer offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 1, Line 4, by inserting immediately after the first use of the word “education” the following: “**, except with regard to the state university established under Article IX, Sections 9(a) and 9(b),**”.

Senator Schaefer moved that the above amendment be adopted.

At the request of Senator Schaefer, **SA 1** to **SA 1** was withdrawn.

**SA 1** was again taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 2, Section 2(a), Lines 20-21, by striking all of said lines and inserting in lieu thereof the following: “**include, but not be limited to, the allocation of moneys appropriated by the general assembly to the board for**

**each public institution of higher education in the state”.**

Senator Nodler moved that the above amendment be adopted.

At the request of Senator Shields, **SJR 45**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Keaveny moved that **SB 643**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 643**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 643

An Act to repeal sections 84.010, 86.200, and 86.213, RSMo, and to enact in lieu thereof seven new sections relating to the St. Louis police force.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 643** be adopted.

Senator Keaveny offered **SS** for **SCS** for **SB 643**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 643

An Act to repeal sections 84.010, 86.200, and 86.213, RSMo, and to enact in lieu thereof seven new sections relating to the St. Louis police force, with an effective date and an expiration date for certain sections.

Senator Keaveny moved that **SS** for **SCS** for **SB 643** be adopted.

Senator Lembke offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 643, Page 11, Section B, Line 18 of said page, by striking all of said line and inserting in lieu thereof the following: “on the date the board of alderman of such city not within a county is reduced from twenty-eight members to not more than twelve members with two members representing each ward and the charter of such city provides for not more than three city wide officers appointed under the provisions of the city's charter.”.

Senator Lembke moved that the above amendment be adopted.

Senator Lembke offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 643, Page 1, Section B, Lines 5-6, by striking the words “with two members representing each ward”; and

further amend line 7 by striking the word “appointed” and inserting the word “elected”.

Senator Lembke moved that the above amendment be adopted.

At the request of Senator Keaveny, **SB 643**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 1** to **SA 1** (pending),

was placed on the Informal Calendar.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 1744**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 1022** and **SS** for **SJR 44**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 20, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard H. Gray, 703 North 13<sup>th</sup> Street, Loft 408, Saint Louis City, Missouri 63103, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2014, and until his successor is duly appointed and qualified; vice, Julius Hunter, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 20, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Barrett Hatches, Democrat, 10023 North Revere Court, Kansas City, Platte County, Missouri 64154, as a member of the Missouri Gaming Commission, for a term ending April 29, 2013, and until his successor is duly appointed and qualified; vice, Larry W. Plunkett, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 20, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jack L. Merritt, Republican, 4352 South Farm Road 85, Republic, Greene County, Missouri 65738, as a member of the Missouri Gaming Commission, for a term ending April 29, 2013, and until his successor is duly appointed and qualified; vice, Suzanne Bradley, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

**SENATE BILLS FOR PERFECTION**

Senator Schaefer moved that **SB 880**, **SB 780** and **SB 836**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 880, 780** and **836**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 880, 780 and 836

An Act to repeal sections 302.309, 478.003, 478.009, 479.010, 577.010, 577.012, 577.023, 577.039, and 577.041, RSMo, and to enact in lieu thereof twelve new sections relating to intoxication-related offenses, with penalty provisions.

Was taken up.

Senator Schaefer moved that **SCS** for **SBs 880, 780** and **836** be adopted.

Senator Schaefer offered **SS** for **SCS** for **SBs 880, 780** and **836**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 880, 780 and 836

An Act to repeal sections 302.309, 302.541, 478.001, 478.003, 478.009, 479.170, 577.010, 577.012, 577.023, 577.039, and 577.041, RSMo, and to enact in lieu thereof fifteen new sections relating to intoxication-related offenses, with penalty provisions.

Senator Schaefer moved that **SS** for **SCS** for **SBs 880, 780** and **836** be adopted.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 880, 780 and 836, Page 10, Section 478.001, Lines 11-12 of said page, by striking said lines and inserting in lieu thereof the following:

**“2. Under sections 478.001 to 478.007, a DWI docket may be established by a circuit court or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, to provide an alternative for the”; and**

Further amend said bill, Page 11, Section 478.007, Line 16 of said page by inserting after the word “court” the following: **“or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010,”.**

Senator Justus moved that the above amendment be adopted.

At the request of Senator Schaefer, **SB 880, SB 780 and SB 836**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**REFERRALS**

President Pro Tem Shields referred **SS** for **SJR 44** to the Committee on Governmental Accountability and Fiscal Oversight.

**INTRODUCTIONS OF GUESTS**

On behalf of Senator Champion and himself, Senator Clemens introduced to the Senate, Tyler Freeman, Springfield; and Tyler was made an honorary page.

Senator McKenna introduced to the Senate, Richard and Julie Ferrell and their children, Aric and Tiffany, Arnold.

Senator Stouffer introduced to the Senate, Mrs. Tatum Reed and fourth grade students from Atlanta C-3 Schools.

Senator Schmitt introduced to the Senate, twenty-seven Homeschoolers from Evangelical Free Church, Manchester; and Leah Votava, Livvy Coleman, Rachel Urban, Courtney Pinnell and Mira Roberts were made honorary pages.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Jeffery L. Craver, Clayton.

Senator Shoemyer introduced to the Senate, Dennis Miller and Homeschoolers from Kirksville.

Senator Crowell introduced to the Senate, eighth grade students from Perry County Middle School.

Senator Stouffer introduced to the Senate, Stephanie Overstreet, Fayette; and twenty Homeschoolers from Howard County.

On motion of Senator Engler, the Senate adjourned until 9:30 a.m., Wednesday, April 21, 2010.

## SENATE CALENDAR

---

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 21, 2010

---

## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCS for HB 1788  
HJR 78-Smith (150), et al

HCS for HJR 64  
HCS for HB 1966

## THIRD READING OF SENATE BILLS

- |   |   |
|---|---|
| 1. SB 627-Justus (In Fiscal Oversight)          | 8. SS for SB 1057-Shields (In Fiscal Oversight) |
| 2. SJR 20-Bartle (In Fiscal Oversight)          | 9. SS for SCS for SB 793-Mayer                  |
| 3. SB 779-Bartle (In Fiscal Oversight)          | (In Fiscal Oversight)                           |
| 4. SCS for SB 944-Shields (In Fiscal Oversight) | 10. SS for SB 1007-Dempsey                      |
| 5. SB 1026-Rupp (In Fiscal Oversight)           | (In Fiscal Oversight)                           |
| 6. SS for SCS for SB 884-Schaefer               | 11. SB 1022-Stouffer                            |
| (In Fiscal Oversight)                           | 12. SS for SJR 44-Shields (In Fiscal Oversight) |
| 7. SCS for SB 622-Shoemyer                      |   |
| (In Fiscal Oversight)                           |   |

## HOUSE BILLS ON THIRD READING

HCS for HB 1675, with SCS (Ridgeway)	HB 1268-Meiners (Justus)
(In Fiscal Oversight)	HB 1336-Brandom, et al (Days)
HJR 76-Dethrow, et al, with SCS	HB 1691-Kraus, et al (Pearce)
(Purgason) (In Fiscal Oversight)	HB 2111-Faith, et al, with SCS (Stouffer)
HB 2109-Ruzicka, with SCS (Lager)	HB 1941-Parson, with SCS (Scott)
HB 1662-Brown (149), et al (Clemens)	

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham  
(In Fiscal Oversight)

SCS for SB 826-Griesheimer  
SB 1001-Griesheimer

SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SBs 880, 780 & 836-Schaefer, with SCS, SS for
SB 587-Nodler and Cunningham, with SCS &	SCS & SA 1 (pending)
SA 1 (pending)	SBs 895, 813, 911, 924, 922 &
SB 596-Callahan, with SCS (pending)	802-Dempsey, et al, with SCS, SS for
SB 606-Stouffer	SCS, SA 1, SSA 1 for SA 1 & SA 1 to
SBs 607, 602, 615 & 725-Stouffer, with	SSA 1 for SA 1 (pending)
SCS & SA 1 (pending)	SB 896-Shields and Crowell, with SA 1
SB 639-Schmitt, with SCS	(pending)
SB 643-Keaveny, with SCS, SS for SCS,	SB 905-Bray, et al, with SCS & SS for
SA 1 & SA 1 to SA 1 (pending)	SCS (pending)
SB 698-Griesheimer, with SCS, SS for SCS	SB 999-Schaefer
& SA 1 (pending)	SB 1016-Mayer, with SCS
SB 705-Griesheimer	SB 1017-Mayer, with SCS (pending)
SB 738-Crowell, with SCS	SJR 22-Callahan
SB 747-Rupp, et al, with SA 1 (pending)	SJR 25-Cunningham, et al, with SCS, SS#2
SB 784-Schaefer and Pearce	for SCS & SA 5 (pending)
SB 792-Dempsey and Rupp, with SS	SJR 29-Purgason and Cunningham, with SCS
(pending)	& SS#2 for SCS (pending)
SB 797-Green	SJR 31-Scott
SB 810-Lager, with SCS	SJR 33-Bartle, with SA 1 (pending)
SB 818-Lembke, with SCS (pending)	SJR 34-Goodman, et al, with SA 1 (pending)
SB 839-Wright-Jones, with SCS	SJR 38-Ridgeway
SB 852-Lager, et al, with SS, SA 1 & SSA 1	SJR 40-Goodman, with SA 1 (pending)
for SA 1 (pending)	SJR 45-Shields, with SCS, SS for SCS &
SB 868-Shields	SA 2 (pending)
SB 878-Lembke, with SCS & SS for SCS	
(pending)	

HOUSE BILLS ON THIRD READING

SS for SCS for HB 1442-Jones (89), et al	HCS for HB 2198, with SCS (Griesheimer)
(Nodler) (In Fiscal Oversight)	HCS for HJR 86, with SCS & SS for SCS
HCS#2 for HB 1472 (Schaefer)	(pending) (Stouffer)

CONSENT CALENDAR

House Bills

Reported 4/15

HCS for HB 1290, with SCS (Griesheimer)

HB 1392-Kirkton, et al, with SCS



HB 2056-Diehl (Bartle)

HB 1654-Zimmerman, et al (Goodman)

HB 2182-Munzlinger and Smith (150)  
(Clemens)

HB 1892-Nasheed, et al, with SCS  
(Cunningham)

HCS for HB 1858, with SCS (Shoemyer)

## BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

### In Conference

HCS for HB 2001, with SCS (Mayer)

HCS for HB 2002, with SS for SCS (Mayer)

HCS for HB 2003, with SS for SCS (Mayer)

HCS for HB 2004, with SCS (Mayer)

HCS for HB 2005, with SCS (Mayer)

HCS for HB 2006, with SCS (Mayer)

HCS for HB 2007, with SCS (Mayer)

HCS for HB 2008, with SCS (Mayer)

HCS for HB 2009, with SCS (Mayer)

HCS for HB 2010, with SCS (Mayer)

HCS for HB 2011, with SCS (Mayer)

HCS for HB 2012, with SCS (Mayer)

HCS for HB 2013, with SCS (Mayer)

## RESOLUTIONS

### Reported from Committee

SCR 42-Bray, with SCA 1

HCS for HCR 18, with SA 1 (pending) (Rupp)

SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)

SCR 52-Lager

HCS for HCRs 34 & 35 (Schmitt)

SCR 56-Schmitt, et al

SCR 55-Nodler

SR 1744-Shields

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-SIXTH DAY—WEDNESDAY, APRIL 21, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Make it a practice to judge person and things in the most favorable light at all times, in all circumstances.” (St. Vincent de Paul)

Gracious God, there are many things, bills and people who cross our path each day and we would ask that You help us to judge each in the most favorable light until it or they are proven otherwise. So give us proper discernment in all matters for only then are we capable of making sound judgements and can take the proper actions and put forth the needed effort it or they call from us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Nodler offered Senate Resolution No. 2253, regarding the 2009-2010 Class 4 State Basketball Champion Webb City High School Lady Cardinals, which was adopted.

Senator Goodman offered Senate Resolution No. 2254, regarding Hilton Promenade at Branson Landing, which was adopted.

Senator Goodman offered Senate Resolution No. 2255, regarding Branson Convention Center, which was adopted.

Senator Goodman offered Senate Resolution No. 2256, regarding Hilton Convention Center Hotel, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 2257, regarding Falls Village Resort, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 2258, regarding Lynina Inn, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 2259, regarding Comfort Inn and Suites, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 2260, regarding Comfort Inn Thousand Hills, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 2261, regarding Wilderness Club at Long Creek, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 2262, regarding Wilderness Club at Big Cedar, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 2263, regarding Comfort Inn West, Branson, which was adopted.

Senator Schaefer offered Senate Resolution No. 2264, regarding the 2009-2010 Class 2 State Champion Harrisburg High School Lady Bulldogs Basketball team, which was adopted.

Senator Schaefer offered Senate Resolution No. 2265, regarding Craig Van Matre, Columbia, which was adopted.

Senator Lager offered Senate Resolution No. 2266, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Bender, Oregon, which was adopted.

Senator Lager offered Senate Resolution No. 2267, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Daniel Keith White, Cameron, which was adopted.

Senator McKenna offered Senate Resolution No. 2268, regarding Donald Geatley, Cedar Hill, which was adopted.

Senator Purgason offered Senate Resolution No. 2269, regarding Jessica Nagy, which was adopted.

Senator Mayer offered Senate Resolution No. 2270, regarding Cora and Elijah Jones, Malden, which was adopted.

Senator Crowell offered Senate Resolution No. 2271, regarding Trent and Kara Summers, Cape

Girardeau, which was adopted.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 2198**, with **SCS**, entitled:

An Act to repeal sections 407.810, 407.815, 407.817, 407.822, 407.825, 407.828, and 407.835, RSMo, and to enact in lieu thereof thirteen new sections relating to motor vehicle franchise practices.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

**SCS** for **HCS** for **HB 2198**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2198

An Act to repeal sections 407.810, 407.815, 407.817, 407.822, 407.825, 407.828, and 407.835, RSMo, and to enact in lieu thereof thirteen new sections relating to motor vehicle franchise practices.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 2198** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HCS** for **HB 2198**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2198

An Act to repeal sections 407.810, 407.815, 407.817, 407.822, 407.825, 407.828, and 407.835, RSMo, and to enact in lieu thereof thirteen new sections relating to motor vehicle franchise practices.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 2198** be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Griesheimer, **SS** for **SCS** for **HCS** for **HB 2198** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Purgason—1

Absent—Senator Ridgeway—1

Absent with leave—Senator Scott—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

### **SENATE BILLS FOR PERFECTION**

Senator Schmitt moved that **SB 639**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 639**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 639**

An Act to repeal sections 191.900, 191.905, 191.907, and 191.910, RSMo, and to enact in lieu thereof four new sections relating to MO HealthNet fraud, with penalty provisions.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 639** be adopted.

Senator Schmitt offered **SS** for **SCS** for **SB 639**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 639**

An Act to repeal sections 191.900, 191.905, 191.907, 191.908, and 191.910, RSMo, and to enact in lieu thereof five new sections relating to MO HealthNet fraud, with penalty provisions.

Senator Schmitt moved that **SS** for **SCS** for **SB 639** be adopted.

Senator Griesheimer assumed the Chair.

At the request of Senator Schmitt, **SB 639**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

### **HOUSE BILLS ON THIRD READING**

**HB 2109**, with **SCS**, was placed on the Informal Calendar.

**HB 1662**, introduced by Representative Brown (149), et al, entitled:

An Act to repeal sections 267.565 and 267.600, RSMo, and to enact in lieu thereof two new sections relating to diseased animals.

Was taken up by Senator Clemens.

On motion of Senator Clemens, **HB 1662** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
---------	--------	------	----------	----------	---------	---------	------------

Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Mayer—1

Absent with leave—Senator Scott—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 1268**, introduced by Representative Meiners, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to adenoid cystic carcinoma awareness day.

Was taken up by Senator Justus.

Senator Justus offered **SS** for **HB 1268**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 1268

An Act to repeal section 9.010, RSMo, and to enact in lieu thereof two new sections relating to public holidays, with an emergency clause for a certain section.

Senator Justus moved that **SS** for **HB 1268** be adopted.

At the request of Senator Justus, **HB 1268**, with **SS** (pending), was placed on the Informal Calendar.

**SENATE BILLS FOR PERFECTION**

Senator Shields moved that **SJR 45**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Shields, **SS** for **SJR 45** was withdrawn, rendering **SA 2** moot.

Senator Shields offered **SS No. 2** for **SCS** for **SJR 45**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 45

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2(a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state board of education, with an effective date.

Senator Shields moved that **SS No. 2** for **SCS** for **SJR 45** be adopted.

Senator Pearce assumed the Chair.

Senator Cunningham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 1, Section 2(a), Line 15, by striking all of said line and inserting in lieu thereof the following: **“consist of eight members, with the seven members from the state board of education existing on April 20, 2010, and one member from the coordinating board for higher education existing on July 1, 2011, as appointed by a majority of such board. Prior to the dissolution of the coordinating board for higher education, the coordinating board for higher education shall appoint a member who shall succeed the first member of the state board of education to complete his or her term or otherwise leaves the board. When the second member of the board who was a member of the state board of education as of April 20, 2010, completes his or her term or otherwise leaves the board, the governor shall appoint a member with a background in either economic development or business administration for a full eight year term.”**; and further amend page 2 of said resolution, lines 1-2 of said page, by striking all of said lines and inserting in lieu thereof the following: **“Subsequent board members shall”**; and further amend line 4 of said line, by striking the opening bracket “[” immediately before the word “four”; further amend said line by striking the closing bracket “]” immediately after the word “four”; and further amend lines 5-10 of said page, by striking all of the underlined language on said lines; and further amend line 11, by striking the opening bracket “[” immediately before the word “eight”; and further amend said line by striking the closing bracket “]” immediately after the word “eight”; and further amend said line by striking the word “six”; and further amend said line by striking the following: “, except the terms of the first”; and inserting in lieu thereof the following: “.”; and further amend lines 12-14 by striking all of said lines and inserting in lieu thereof the following: **“Each member of the board on July 1, 2011, shall complete the term to which he or she was originally appointed. At all times, at least one member of the board shall have a background in economic development or business administration. While”**; and

Further amend said resolution and section, page 3, line 26 of said page, by inserting after all of said line the following:

**“Section 2(b). The board shall select and appoint a commissioner of education as its chief administrative officer, who shall be a citizen and resident of the state, and removable at its discretion. The appointment and selection of the commissioner shall require the advice and consent of the senate.** The board shall prescribe his duties and fix his compensation, and upon his recommendation shall appoint the professional staff and fix their compensation. The board shall succeed the state board of education heretofore established, with all its powers and duties, and shall have such other powers and duties as may be prescribed by law.”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted.

Senator Lager offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 1, Line 16, by inserting immediately after the following: “term.” the following: **“At least one member shall be an active elementary or secondary education classroom teacher.”**.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 1, Section 2(a), Line 15, by striking all of said line and inserting in lieu thereof the following: **“consist of six members”**; and further amend said resolution, page 2, lines 1-2, by striking all of said lines and inserting in lieu thereof the following: **“who shall”**; and further amend line 5, by striking the following: “five” and inserting in lieu thereof the following: **“three”**; and further amend lines 5-10, by striking all of the underlined words on said lines; and further amend line 11 by striking the word “six” and inserting in lieu thereof the following: **“four”**; and further amend lines 13-14, by striking all of said lines and inserting in lieu thereof the following: **“year for one member, two years for two members, three years for one member, and four years for two members. While”**.

Senator Crowell moved that the above substitute amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 1, Section 2(a), Line 13, by striking the word “postsecondary” and inserting in lieu thereof the following: **“elementary and secondary”**.

Senator Bray moved that the above amendment be adopted.

Senator Ridgeway offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 1, Section 2(a), Line 11, by striking the words **“across the age”** and inserting in lieu thereof the following: **“for elementary and secondary education”**; and further amend line 12 by striking all of said line from the resolution; and further amend line 13 by striking the following: **“postsecondary education”**; and further amend page 3 of said resolution, lines 13-18, by striking all of said lines; and further amend said resolution by renumbering the remaining subsections accordingly.

Senator Ridgeway moved that the above substitute amendment be adopted.

Senator Stouffer assumed the Chair.

At the request of Senator Shields, **SJR 45**, with **SCS, SS No. 2** for **SCS, SA 2** and **SSA 1** for **SA 2**



(pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SCS** for **HCS** for **HB 2001**. Representatives: Icet, Stream, Silvey, Lampe and Kelly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SS** for **SCS** for **HCS** for **HB 2002**. Representatives: Icet, Stream, Silvey, Lampe and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SS** for **SCS** for **HCS** for **HB 2003**. Representatives: Icet, Stream, Silvey, Lampe and Kelly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SCS** for **HCS** for **HB 2004**. Representatives: Icet, Stream, Silvey, Lampe and Komo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SCS** for **HCS** for **HB 2005**. Representatives: Icet, Stream, Silvey, Lampe and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SCS** for **HCS** for **HB 2006**. Representatives: Icet, Stream, Silvey, Harris and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SCS** for **HCS** for **HB 2007**. Representatives: Icet, Stream, Silvey, Komo and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SCS** for **HCS** for **HB 2008**. Representatives: Icet, Stream, Silvey, Lampe and Harris.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker

has appointed the following conferees on **SCS** for **HCS** for **HB 2009**. Representatives: Icet, Stream, Silvey, Harris and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SCS** for **HCS** for **HB 2010**. Representatives: Icet, Stream, Silvey, Curls and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SCS** for **HCS** for **HB 2011**. Representatives: Icet, Stream, Silvey, Curls and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SCS** for **HCS** for **HB 2012**. Representatives: Icet, Stream, Silvey, Kelly and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **SCS** for **HCS** for **HB 2013**. Representatives: Icet, Stream, Silvey, Lampe and Kelly.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 21, 2010

#### **To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lisa B. Althoff, 601 Wolf Trail, Columbia, Boone County, Missouri 65201, as Executive Director of the Missouri Women's Council, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Mary R. Cottom.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 21, 2010

#### **To the Senate of the 95th General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Jack L. Merritt to the Missouri Gaming Commission, submitted on April 20, 2010. Line 3 should be amended as follows:

“April 29, 2013, and until his successor is duly appointed and qualified; vice, Katherine Suzanne”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointment and addendum to the Committee on Gubernatorial Appointments.

## COMMUNICATIONS

Senator Griesheimer submitted the following:

April 21, 2010

Ms. Terry Spieler  
Secretary of the Senate  
Missouri State Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Madame Secretary:

I respectfully request that HB 1290 be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Thank you for your attention to this matter.

Sincerely,

/s/ John

John E. Griesheimer

## INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Melodee Colbert-Kean, her husband, William and their daughter, Alissa, Joplin.

Senator Goodman introduced to the Senate, Eric Seifried, Aurora; and Kelly Hunt, Strafford.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Peter Koopman, M.D., Columbia.

Senator Nodler introduced to the Senate, Superintendent Dr. Ronald Lankford, Head Coach Brad Shorter, Assistant Coaches Walter Resa and Kathy Harris, Managers Ashley Harlen, Courtney Spink and Alexah Replogle and members of the Class 4 State Champion Webb City High School Girls basketball team, Gabbie Gannaway, Sammy Stroud, Alyssa Gary, Breanna Baker, Sharenda Campbell, Hailey Roderique, Lexie Gardner, Kambrey Cooper, Laney Kneib, Kaitlin Jaeger, Jordyn Williams, Summer Greek and Kyndal Clark.

Senator Barnitz introduced to the Senate, Gary Young, Tim Belshe and students from Waynesville High School.

Senator Nodler introduced to the Senate, Principal Gene Koester and eighteen students from McAuley Catholic High School, Joplin.

On behalf of Senator Pearce, the President introduced to the Senate, Mrs. Leather and students from Training Center Christian School, Garden City.

Senator Dempsey introduced to the Senate, fourth grade students from Academy of the Sacred Heart, St. Charles.

Senator Dempsey introduced to the Senate, Scott Shockley and his daughter, Tylar, St. Charles; and Tylar was made an honorary page.

Senator Green introduced to the Senate, Father David Corrigan, Sister Judy Corrigan and Michael Corrigan, St. Louis.

Senator Dempsey introduced to the Senate, Dave Bundy, Harvester.

Senator Vogel introduced to the Senate, eighty fourth grade students from Pioneer Trails Elementary School, Jefferson City.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

FIFTY-SEVENTH DAY—THURSDAY, APRIL 22, 2010

---

## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 1788  
HJR 78-Smith (150), et al

HCS for HJR 64  
HCS for HB 1966

### THIRD READING OF SENATE BILLS

- |  |   |
|--|---|
| 1. SB 627-Justus (In Fiscal Oversight)                     | 8. SS for SB 1057-Shields (In Fiscal Oversight)         |
| 2. SJR 20-Bartle (In Fiscal Oversight)                     | 9. SS for SCS for SB 793-Mayer<br>(In Fiscal Oversight) |
| 3. SB 779-Bartle (In Fiscal Oversight)                     | 10. SS for SB 1007-Dempsey<br>(In Fiscal Oversight)     |
| 4. SCS for SB 944-Shields (In Fiscal Oversight)            | 11. SB 1022-Stouffer                                    |
| 5. SB 1026-Rupp (In Fiscal Oversight)                      | 12. SS for SJR 44-Shields (In Fiscal Oversight)         |
| 6. SS for SCS for SB 884-Schaefer<br>(In Fiscal Oversight) |   |
| 7. SCS for SB 622-Shoemyer<br>(In Fiscal Oversight)        |   |

### HOUSE BILLS ON THIRD READING

HCS for HB 1675, with SCS  
(Ridgeway) (In Fiscal Oversight)

HJR 76-Dethrow, et al, with SCS  
(Purgason) (In Fiscal Oversight)

HB 1336-Brandom, et al (Days)  
 HB 1691-Kraus, et al (Pearce)

HB 2111-Faith, et al, with SCS (Stouffer)  
 HB 1941-Parson, with SCS (Scott)

## INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham  
 (In Fiscal Oversight)

SCS for SB 826-Griesheimer  
 SB 1001-Griesheimer

### SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
 SB 587-Nodler and Cunningham,  
     with SCS & SA 1 (pending)  
 SB 596-Callahan, with SCS (pending)  
 SB 606-Stouffer  
 SBs 607, 602, 615 & 725-Stouffer,  
     with SCS & SA 1 (pending)  
 SB 639-Schmitt, with SCS & SS for SCS  
     (pending)  
 SB 643-Keaveny, with SCS, SS for SCS,  
     SA 1 & SA 1 to SA 1 (pending)  
 SB 698-Griesheimer, with SCS,  
     SS for SCS & SA 1 (pending)  
 SB 705-Griesheimer  
 SB 738-Crowell, with SCS  
 SB 747-Rupp, et al, with SA 1 (pending)  
 SB 784-Schaefer and Pearce  
 SB 792-Dempsey and Rupp, with SS (pending)  
 SB 797-Green  
 SB 810-Lager, with SCS  
 SB 818-Lembke, with SCS (pending)  
 SB 839-Wright-Jones, with SCS  
 SB 852-Lager, et al, with SS,  
     SA 1 & SSA 1 for SA 1 (pending)  
 SB 868-Shields  
 SB 878-Lembke, with SCS & SS for SCS  
     (pending)

SBs 880, 780 & 836-Schaefer, with SCS,  
     SS for SCS & SA 1 (pending)  
 SBs 895, 813, 911, 924, 922 &  
     802-Dempsey, et al, with SCS, SS for  
     SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
     SSA 1 for SA 1 (pending)  
 SB 896-Shields and Crowell, with SA 1  
     (pending)  
 SB 905-Bray, et al, with SCS & SS for  
     SCS (pending)  
 SB 999-Schaefer  
 SB 1016-Mayer, with SCS  
 SB 1017-Mayer, with SCS (pending)  
 SJR 22-Callahan  
 SJR 25-Cunningham, et al, with SCS,  
     SS#2 for SCS & SA 5 (pending)  
 SJR 29-Purgason and Cunningham,  
     with SCS & SS#2 for SCS (pending)  
 SJR 31-Scott  
 SJR 33-Bartle, with SA 1 (pending)  
 SJR 34-Goodman, et al, with SA 1  
     (pending)  
 SJR 38-Ridgeway  
 SJR 40-Goodman, with SA 1 (pending)  
 SJR 45-Shields, with SCS, SS#2 for SCS,  
     SA 2 & SSA 1 for SA 2 (pending)

HOUSE BILLS ON THIRD READING

HB 1268-Meiners, with SS (pending) (Justus)  
SS for SCS for HB 1442-Jones (89), et al  
(Nodler) (In Fiscal Oversight)  
HCS#2 for HB 1472 (Schaefer)

HB 2109-Ruzicka, with SCS (Lager)  
HCS for HJR 86, with SCS & SS for SCS  
(pending) (Stouffer)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 1392-Kirkton, et al, with SCS (Bray)  
HB 2056-Diehl (Bartle)  
HB 1654-Zimmerman, et al (Goodman)  
HB 2182-Munzlinger and Smith (150)  
(Clemens)

HB 1892-Nasheed, et al, with SCS  
(Cunningham)  
HCS for HB 1858, with SCS (Shoemyer)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2001, with SCS (Mayer)  
HCS for HB 2002, with SS for SCS (Mayer)  
HCS for HB 2003, with SS for SCS (Mayer)  
HCS for HB 2004, with SCS (Mayer)  
HCS for HB 2005, with SCS (Mayer)  
HCS for HB 2006, with SCS (Mayer)  
HCS for HB 2007, with SCS (Mayer)

HCS for HB 2008, with SCS (Mayer)  
HCS for HB 2009, with SCS (Mayer)  
HCS for HB 2010, with SCS (Mayer)  
HCS for HB 2011, with SCS (Mayer)  
HCS for HB 2012, with SCS (Mayer)  
HCS for HB 2013, with SCS (Mayer)

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer  
HCR 38-Icet, et al, with SCA 1 (Lembke)  
SCR 52-Lager

HCS for HCRs 34 & 35 (Schmitt)  
SCR 56-Schmitt, et al  
SCR 55-Nodler  
SR 1744-Shields

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-SEVENTH DAY—THURSDAY, APRIL 22, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Stand at the crossroads, and look, and ask for the ancient paths, where the good way lies; and walk in it, and find rest for your souls.”  
(Jeremiah 6:16)

Praise to You, O God, source of all and giver of Life. Your love sustains this planet earth and by Your hand all things living are cared for. Help us, we pray, to do what we can to care for and restore the earth. Together let us find the good way for all of God’s creation. Make us mindful of the balance of all life as it contributes one to the other and help us do our part to keep that balance rightly. Make us see, truly see, the beauty of our state as we return home to loved ones and see the love that created it all. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Goodman announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senators

Bartle                      Clemens—2

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Schaefer offered Senate Resolution No. 2272, regarding Richard T. McGuire, Jr., Ph.D., Columbia, which was adopted.

Senator Pearce offered Senate Resolution No. 2273, regarding Western Johnson County Medical Clinic, Kingsville, which was adopted.

Senator Champion offered Senate Resolution No. 2274, regarding Dolores B. Brooks, Springfield, which was adopted.

Senator Schaefer offered Senate Resolution No. 2275, regarding the 2009-2010 Class 2 State Champion Sturgeon High School Boys Bulldogs Basketball team, which was adopted.

**HOUSE BILLS ON THIRD READING**

Senator Justus moved that **HB 1268**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Justus, **SS** for **HB 1268** was withdrawn.

Senator Dempsey assumed the Chair.

Senator Justus offered **SS No. 2** for **HB 1268**, entitled:

**SENATE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NO. 1268**

An Act to repeal section 9.010, RSMo, and to enact in lieu thereof nine new sections relating to public holidays, with an emergency clause for a certain section.

Senator Justus moved that **SS No. 2** for **HB 1268** be adopted.

Senator Stouffer offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 2 for House Bill No. 1268, Page 3, Section 9.170, Line 25, by inserting immediately after said line the following:

**“9.172. The first week of November of each year shall be known as “RSV Awareness Week”, and the general assembly recommends to the people of this state that the week be appropriately observed so that public officials and the citizens of Missouri are encouraged to observe the week with appropriate activities and educational outreach to parents and the medical community, as well as programs to raise awareness about the causes of, symptoms of, and ways of preventing respiratory syncytial virus (RSV).”; and**

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Justus moved that **SS No. 2** for **HB 1268**, as amended, be adopted, which motion prevailed.

Senator Justus moved that **SS No. 2** for **HB 1268**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SS No. 2** for **HB 1268** to the Committee on Governmental



Accountability and Fiscal Oversight.

**HB 1336**, introduced by Representative Brandom, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Girl Scout Day.

Was taken up by Senator Days.

Senator Days offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1336, Page 1, Section 9.167, Lines 1-2, by striking said lines and inserting in lieu thereof the following:

**“9.167. The twelfth day of March of each year shall be known as “Girl Scout Day”, and the general assembly recommends to the people of the state that the”.**

Senator Days moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Days, **HB 1336**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Cunningham—1

Absent—Senators—None

Absent with leave—Senators

Bartle Clemens—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 1691**, introduced by Representative Kraus, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto two new sections relating to bicycling state holidays.

Was taken up by Senator Pearce.

Senator Justus offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend House Bill No. 1691, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“9.157. The fourteenth of September of each year shall be known as “Organ Donor Awareness Day”, and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of organ donation.**

**9.158. The sixteenth of November of each year shall be known as “Adenoid Cystic Carcinoma Awareness Day”, and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of adenoid cystic cancer. Adenoid cystic carcinoma (AdCC) is a rare cancer that usually occurs in areas of the head and neck, but can develop in other parts of the body as well. Adenoid cystic carcinoma is usually slow-growing, but the growth can be relentless.” and**

further amend said bill and page, section 9.164, lines 1-2 by striking said lines and inserting in lieu thereof the following:

**“9.164. 1. The month of October of each year shall be known as “Walk & Bike to School Month” and the first Wednesday of October of each year shall be known as”; and**

Further amend said bill and page, Section 9.165, Lines 1 and 2, by striking said lines and inserting in lieu thereof the following:

**“9.165. The month of May of each year shall be known as “Missouri Bicycle Month”, the third Friday of May of each year shall be known as “Bike to Work Day”.”; and**

further amend line 8 by inserting after all of said line the following:

**“9.167. The twelfth day of March of each year shall be known as “Girl Scout Day”, and the general assembly recommends to the people of the state that the day be appropriately observed in recognition of the Girl Scout program which seeks to promote the social welfare of young women, build self-esteem, and teach values such as honesty, fairness, courage, compassion, character, sisterhood, confidence, and citizenship through activities including camping, community service, learning first aid, and earning badges by acquiring practical skills.**

**9.168. The first of December of each year shall be known as “World AIDS Day”, and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of HIV and AIDS.**

**9.169. The second week of May of each year shall be known as “Sickle Cell Awareness Week” and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of sickle cell disease and its related symptoms.**

**9.170. The fourteenth of February of each year shall be known as “Epilepsy Awareness Day”, and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of epilepsy and its related symptoms.**

**9.172. The first week of November of each year shall be known as “RSV Awareness Week”, and the general assembly recommends to the people of this state that the week be appropriately observed so that public officials and the citizens of Missouri are encouraged to observe the week with appropriate activities and educational outreach to parents and the medical community, as well as**

**programs to raise awareness about the causes of, symptoms of, and ways of preventing respiratory syncytial virus (RSV).”; and**

further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend House Bill No. 1691, Page 1, In the Title, Line 2, by striking the word “bicycling state” and inserting in lieu thereof the following: “public”.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Pearce, **HB 1691**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wright-Jones—28				

#### NAYS—Senators

Cunningham	Lembke	Purgason—3
------------	--------	------------

Absent—Senator Wilson—1

Absent with leave—Senators

Bartle	Clemens—2
--------	-----------

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Engler announced that photographers from KCTV-TV were given permission to take pictures in the Senate Chamber today.

### REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SJR 44**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 793**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SB 793**, introduced by Senator Mayer, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 793**

An Act to repeal sections 188.027, 188.039, and 376.805, RSMo, and to enact in lieu thereof four new sections relating to abortion, with penalty provisions.

Was taken up.

President Pro Tem Shields assumed the Chair.

On motion of Senator Mayer, **SS** for **SCS** for **SB 793** was read the 3rd time and passed by the following vote:

#### **YEAS—Senators**

Barnitz	Callahan	Champion	Crowell	Cunningham	Dempsey	Engler	Goodman
Griesheimer	Keaveny	Lager	Lembke	Mayer	McKenna	Nodler	Pearce
Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel—26						

#### **NAYS—Senators**

Bray	Days	Justus	Wilson	Wright-Jones—5
------	------	--------	--------	----------------

Absent—Senator Green—1

#### **Absent with leave—Senators**

Bartle	Clemens—2
--------	-----------

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SB 1022**, introduced by Senator Stouffer, entitled:

An Act to repeal sections 383.130 and 383.133, RSMo, and to enact in lieu thereof three new sections relating to requirements of entities employing certain licensed health care professionals.

Was taken up.

Senator Pearce assumed the Chair.

On motion of Senator Stouffer, **SB 1022** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle                      Clemens—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Shields moved that **SJR 45**, with **SCS**, **SS No. 2** for **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Shields, **SS No. 2** for **SCS** was withdrawn, rendering **SA 2** and **SSA 1** for **SA 2** moot.

Senator Shields offered **SS No. 3** for **SCS** for **SJR 45**, entitled:

#### SENATE SUBSTITUTE NO. 3 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 45

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2(a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state board of education, with an effective date.

Senator Shields moved that **SS No. 3** for **SCS** for **SJR 45** be adopted.

Senator Green offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 2, Section 2(a), Line 3, by striking the word “**four**” and inserting in lieu thereof the word “**six**”.

Senator Green moved that the above amendment be adopted.

Senator Green offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 2, Section 2(a), Line 3, by striking the word “**four**” and inserting in lieu thereof the following: “**six**”; and further amend lines 5-7 by striking all of said lines and inserting in lieu thereof the following:

“one to eight years, respectively] **two years for two members, four years for two members, and six years for two members.** While attending to the duties of their office,”.

Senator Green moved that the above substitute amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 1, Section 2(a), Line 13, by striking the following: “**a seamless**” and inserting in lieu thereof the following: “**an**”; and further amend line 14 by striking the word “**and**”; and further amend said line by inserting immediately after the first use of the word “**of**” the following: “**public**”.

Senator Ridgeway moved that the above amendment be adopted.

At the request of Senator Ridgeway, **SA 2** was withdrawn.

Senator Ridgeway offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 2, Section 2(a), Line 17 of said page, by inserting immediately after said line the following:

“Section 2(b). The board shall select and appoint a commissioner of education as its chief administrative officer, who shall be a citizen and resident of the state, and removable at its discretion. **The appointment and selection of the commissioner shall require the advice and consent of the senate.** The board shall prescribe his duties and fix his compensation, and upon his recommendation shall appoint the professional staff and fix their compensation. The board shall succeed the state board of education heretofore established, with all its powers and duties, and shall have such other powers and duties as may be prescribed by law.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Champion offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute No. 3 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 1, Line 9, by inserting immediately after the first use of the word “his” the following: “**or her**”; and further amend said line by inserting immediately after the second use of the word

“his” the following: “**or her**”; and further amend line 10 by inserting after the word “his” the following: “**or her**”.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

**SA 3**, as amended, was again taken up.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS No. 3** for **SCS** for **SJR 45**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS No. 3** for **SCS** for **SJR 45**, as amended, was declared perfected and ordered printed.

### THIRD READING OF SENATE BILLS

**SS** for **SJR 44**, introduced by Senator Shields, entitled:

#### SENATE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 44

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 12 and 52 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the department of education.

Was taken up.

On motion of Senator Shields, **SS** for **SJR 44** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

#### NAYS—Senators—None

#### Absent—Senator Purgason—1

#### Absent with leave—Senators

Bartle	Clemens	Days—3
--------	---------	--------

#### Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Shields, title to the joint resolution was agreed to.

Senator Shields moved that the vote by which the joint resolution passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John C. Morris, as a member of the Alzheimer's State Plan Task Force;

Also,

Janine M. Burkett, as a member of the State Board of Pharmacy;

Also,

Pamela Ross, as a member of the Linked Deposits Review Committee;

Also,

Cara Canon, as a member of the Missouri Workforce Investment Board;

Also,

Oliver G. Boyer, as a member of the Peace Officer Standards and Training Commission;

Also,

Jacqueline A. Swinnie and Michael Brewer, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Melodee Colbert-Kean, Democrat, as a member of the Missouri Women's Council;

Also,

Karen Winn, as a member of the Administrative Hearing Commission;

Also,

Edna L. Chavis, Democrat, as a member of the State Board of Senior Services;

Also,

Dale D. Turvey, as a member of the Missouri State Employees' Voluntary Life Insurance Commission.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 2048**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto



attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HBs 1408** and **1514**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1424**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1942**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 1806**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1643**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1612**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1595**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1340**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 1290**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 2297**, begs leave to report that it has considered the same and recommends that the

Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 1270**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 1894**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 1898**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 1977**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 2270**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Engler submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1609**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1060**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535 and 1811**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, Senator Stouffer submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 1840**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 1848**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mayer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1903**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 2317**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 2231**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 1893**, begs leave to report that it has considered the same and recommends that the bill do pass with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1893, Page 1, In the Title, Lines 2-3, by striking “the distribution and use of gaming funds” and inserting in lieu thereof the following: “excursion gambling boats”; and

Further amend said bill, Page 5, Section 161.215, Line 103, by inserting after all of said line the following:

“313.807. 1. A person may apply to the commission for a license to conduct gambling games on an excursion gambling boat or to operate an excursion gambling boat as provided in sections 313.800 to 313.850. The application for such licenses shall be filed with the commission and shall identify the excursion gambling boat upon which gambling games will be authorized, shall specify the exact location where the excursion gambling boat will be docked, shall specify the extent of the land-based economic development or impact and an affirmative action plan for ownership, contracting and recruiting, training and hiring of minorities and women in all employment classifications for that area, a lease with a home dock city or county, or in lieu thereof a resolution adopted by a city or county supporting or opposing the docking and land-based economic development or impact plan of the operator, and shall be in a form and contain information as the commission prescribes. If a city or county fails to pass a resolution, such action shall not adversely affect the application which shall be deemed complete. The applicant for such license shall file with the application a nonrefundable fee of fifty thousand dollars or fifteen thousand dollars for each person to be investigated, whichever amount is greater. The applicant shall be responsible for the total cost of the investigation. If the cost of the investigation exceeds the total amount of fees filed by the applicant in this subsection, the commission may assess additional fees as it deems appropriate; however, if the applicant is denied a license, the applicant shall be entitled to a refund of the difference between the application fee

and the actual cost of the investigation. The initial license and first subsequent license renewal of an excursion gambling boat operator shall be for a period of one year. Thereafter, license renewal periods shall be two years. However, the commission may reopen licensing hearings at any time. The annual fee for anyone licensed pursuant to this subsection shall be set by the commission at a minimum of twenty-five thousand dollars.

2. A person may apply to the commission for a license to conduct an occupation within excursion gambling boat operations which the commission has identified as requiring a license. The commission shall establish and charge holders of occupational licenses an annual license fee for each occupation in amounts determined appropriate by the commission and shall be charged each year the license is in effect. The commission shall set a nonrefundable filing fee to cover the cost of any investigation. Each applicant for a license pursuant to this subsection shall annually file for a license.

3. A supplier shall annually apply for a license. The application fee shall be a nonrefundable amount set by the commission to cover the cost of any investigation. The annual fee for such license shall be set by the commission. The commission shall set all standards for equipment and supplies.

4. A licensee licensed to conduct gambling games shall acquire all gambling games or implements of gambling from a licensed supplier or from a person or entity approved by the commission. A licensee shall not sell or give gambling games or implements of gambling to another licensee without the commission's prior written approval. Any licensed supplier shall have a registered agent within this state.

5. The commission may issue a limited license to operate an excursion gambling boat as defined pursuant to subdivision (7) of section 313.800 at a dock other than its home dock, if such city or county where such dock is located has approved gambling games on excursion gambling boats pursuant to subsection 10 of section 313.812.

6. Prior to granting a license for an excursion gambling boat, the commission shall ensure that the applicant complies with all local zoning laws, provided that such laws were not changed to the detriment of the applicant having an ownership interest, including without limitation, an option to purchase, a contingent purchase agreement, leasehold interest or contingent leasehold interest, that is the subject of the zoning law change when such law is enacted subsequent to the filing of such application. Nothing in this section shall be construed to prohibit a change in local law in favor of the applicant having the ownership interest in the property.

**7. Prior to any further consideration or solicitation of interest by the Missouri gaming commission for a gaming license, the Missouri gaming commission shall first conduct a comprehensive market study to determine the economic and financial impact of an additional gaming license and facility on existing licensees as well as the impact that anticipated adjoining state gaming facilities will have on existing licensees and shall take such impact into consideration when determining whether an additional license shall be issued.**

Further amend the title and enacting clause accordingly.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 2081**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 2161**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 1965**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HB 1764**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 1713**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1831**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HBs 2147** and **2261**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 969**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Callahan assumed the Chair.

### **HOUSE BILLS ON SECOND READING**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**HCS** for **HB 1788**—Financial and Governmental Organizations and Elections.

**HJR 78**—Financial and Governmental Organizations and Elections.

**HCS** for **HJR 64**—Financial and Governmental Organizations and Elections.

**HCS** for **HB 1966**—Financial and Governmental Organizations and Elections.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1316**, entitled:

An Act to repeal sections 137.180 and 137.355, RSMo, and to enact in lieu thereof two new sections relating to property tax assessment notices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1444**, entitled:

An Act to repeal section 610.020, RSMo, and to enact in lieu thereof one new section relating to notice for certain public meetings, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1786**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to public funding to attract sporting events to Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1473**, entitled:

An Act to repeal sections 173.1104, 173.1105, and 173.1108, RSMo, and to enact in lieu thereof three new sections relating to the Access Missouri Scholarship, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1584**, entitled:

An Act to repeal sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537,

700.539, and 700.630, RSMo, and to enact in lieu thereof twenty-nine new sections relating to manufactured homes, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1636**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special event motor vehicle auction licenses, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Carl Freter, M.D., Columbia.

Senator Keaveny introduced to the Senate, Lindsey Weinburg.

Senator Shields introduced to the Senate, Curt and Diane Kretzinger, St. Joseph.

Senator Champion introduced to the Senate, adults and sixty-six fourth grade students from Mark Twain Elementary School, Springfield; and Wesley Timm was made an honorary page.

Senator Callahan introduced to the Senate, twenty-five students from Van Horn High School, Independence.

Senator Scott introduced to the Senate, John and Peggy Neuenschwander, Lowry City.

Senator Justus introduced to the Senate, MaryKate and Matthew Grimaldi, Kansas City; and MaryKate and Matthew were made honorary pages.

Senator Mayer introduced to the Senate, his wife, Nancy, Luke Robinson, Samantha Midgett, Stephanie Gee and Joy Ward, Dexter.

Senator Dempsey introduced to the Senate, seventh grade students from Zion Lutheran School, Harvester.

Senator Crowell introduced to the Senate, Teri Jones and fourth grade students from Clippard Elementary School.

Senator Shields introduced to the Senate, Bill Freund and eighth grade students from St. Therese School, Parkville; and Mariah Ramirez, Matthew Knight and Marisa Garitz were made honorary pages.

Senator Shields introduced to the Senate, his wife, Brenda, St. Joseph.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, April 26, 2010.

## SENATE CALENDAR

FIFTY-EIGHTH DAY—MONDAY, APRIL 26, 2010

## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCS for HB 1316  
 HB 1444-Jones (89), et al  
 HCS for HB 1786

HCS for HB 1473  
 HCS for HB 1584  
 HB 1636-Wasson

## THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)  
 SJR 20-Bartle (In Fiscal Oversight)  
 SB 779-Bartle (In Fiscal Oversight)  
 SCS for SB 944-Shields (In Fiscal Oversight)  
 SB 1026-Rupp (In Fiscal Oversight)

SS for SCS for SB 884-Schaefer  
 (In Fiscal Oversight)  
 SCS for SB 622-Shoemyer (In Fiscal Oversight)  
 SS for SB 1057-Shields (In Fiscal Oversight)  
 SS for SB 1007-Dempsey (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

SB 1060-Bartle, with SCS

SB 969-Keaveny, with SCS

## HOUSE BILLS ON THIRD READING

1. HCS for HB 1675, with SCS (Ridgeway)  
 (In Fiscal Oversight)  
 2. HJR 76-Dethrow, et al, with SCS  
 (Purgason) (In Fiscal Oversight)  
 3. HB 2111-Faith, et al, with SCS (Stouffer)  
 4. HB 1941-Parson, with SCS (Scott)  
 5. HCS for HB 2048, with SCS  
 6. HCS for HBs 1408 & 1514  
 7. HB 1424-Franz, with SCS  
 8. HB 1942-Parson (Scott)  
 9. HCS for HB 1806 (Goodman)  
 10. HB 1643-Brown (50), et al (Wilson)  
 11. HB 1612-Molendorp and Scavuzzo,  
 with SCS (Pearce)

12. HB 1595-Dugger, et al (Purgason)  
 13. HB 1340-Dugger (Clemens)  
 14. HCS for HB 1290, with SCS (Griesheimer)  
 15. HCS for HB 2297, with SCS (Wilson)  
 16. HB 1270-Meiners (Justus)  
 17. HB 1894-Bringer (Bray)  
 18. HCS for HB 1898 (Dempsey)  
 19. HCS for HB 1977 (Griesheimer)  
 20. HB 2270-Cooper (Shields)  
 21. HB 1609-Diehl, with SCS (Bartle)  
 22. HCS#2 for HBs 1692, 1209, 1405,  
 1499, 1535 & 1811, with SCS  
 23. HCS for HB 1840 (Mayer)  
 24. HCS for HB 1848 (Justus)



- |  |  |
|--|--|
| 25. HCS for HB 1903, with SCS              | 31. HCS for HB 1965, with SCS (Cunningham) |
| 26. HB 2317-Tracy, with SCS                | 32. HCS for HB 1764, with SCS (Rupp)       |
| 27. HCS for HB 2231 (Goodman)              | 33. HB 1713-Sander, et al (Schaefer)       |
| 28. HCS for HB 1893, with SCA 1 (Schaefer) | 34. HCS for HB 1831, with SCS (Stouffer)   |
| 29. HCS for HB 2081 (Goodman)              | 35. HCS for HBs 2147 & 2261 (Pearce)       |
| 30. HCS for HB 2161 (Goodman)              |  |

### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham  
(In Fiscal Oversight)

SCS for SB 826-Griesheimer  
SB 1001-Griesheimer

#### SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
SB 587-Nodler and Cunningham, with SCS &  
SA 1 (pending)  
SB 596-Callahan, with SCS (pending)  
SB 606-Stouffer  
SBs 607, 602, 615 & 725-Stouffer, with SCS &  
SA 1 (pending)  
SB 639-Schmitt, with SCS & SS for SCS  
(pending)  
SB 643-Keaveny, with SCS, SS for SCS, SA 1 &  
SA 1 to SA 1 (pending)  
SB 698-Griesheimer, with SCS, SS for SCS  
& SA 1 (pending)  
SB 705-Griesheimer  
SB 738-Crowell, with SCS  
SB 747-Rupp, et al, with SA 1 (pending)  
SB 784-Schaefer and Pearce  
SB 792-Dempsey and Rupp, with SS (pending)  
SB 797-Green  
SB 810-Lager, with SCS  
SB 818-Lembke, with SCS (pending)  
SB 839-Wright-Jones, with SCS  
SB 852-Lager, et al, with SS, SA 1 & SSA 1 for  
SA 1 (pending)  
SB 868-Shields

SB 878-Lembke, with SCS & SS for SCS  
(pending)  
SBs 880, 780 & 836-Schaefer, with SCS,  
SS for SCS & SA 1 (pending)  
SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS, SS for  
SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
SSA 1 for SA 1 (pending)  
SB 896-Shields and Crowell, with SA 1 (pending)  
SB 905-Bray, et al, with SCS & SS for  
SCS (pending)  
SB 999-Schaefer  
SB 1016-Mayer, with SCS  
SB 1017-Mayer, with SCS (pending)  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS, SS#2  
for SCS & SA 5 (pending)  
SJR 29-Purgason and Cunningham, with SCS  
& SS#2 for SCS (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1 (pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

## HOUSE BILLS ON THIRD READING

SS#2 for HB 1268-Meiners (Justus)

(In Fiscal Oversight)

SS for SCS for HB 1442-Jones (89), et al

(Nodler) (In Fiscal Oversight)

HCS#2 for HB 1472 (Schaefer)

HB 2109-Ruzicka, with SCS (Lager)

HCS for HJR 86, with SCS &amp; SS for SCS

(pending) (Stouffer)

## CONSENT CALENDAR

## House Bills

Reported 4/15

HB 1392-Kirkton, et al, with SCS (Bray)

HB 2056-Diehl (Bartle)

HB 1654-Zimmerman, et al (Goodman)

HB 2182-Munzlinger and Smith (150) (Clemens)

HB 1892-Nasheed, et al, with SCS (Cunningham)

HCS for HB 1858, with SCS (Shoemyer)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

HCS for HB 2001, with SCS (Mayer)

HCS for HB 2002, with SS for SCS (Mayer)

HCS for HB 2003, with SS for SCS (Mayer)

HCS for HB 2004, with SCS (Mayer)

HCS for HB 2005, with SCS (Mayer)

HCS for HB 2006, with SCS (Mayer)

HCS for HB 2007, with SCS (Mayer)

HCS for HB 2008, with SCS (Mayer)

HCS for HB 2009, with SCS (Mayer)

HCS for HB 2010, with SCS (Mayer)

HCS for HB 2011, with SCS (Mayer)

HCS for HB 2012, with SCS (Mayer)

HCS for HB 2013, with SCS (Mayer)

## RESOLUTIONS

## Reported from Committee

SCR 42-Bray, with SCA 1

HCS for HCR 18, with SA 1 (pending) (Rupp)

SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)

SCR 52-Lager

HCS for HCRs 34 &amp; 35 (Schmitt)

SCR 56-Schmitt, et al

SCR 55-Nodler

SR 1744-Shields

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-EIGHTH DAY—MONDAY, APRIL 26, 2010**

---

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“God is closest to those with broken hearts.” (Jewish Proverb)

Merciful Father, we pray for Your closeness, especially for those who suffered from the storm and twister damage this weekend. We are thankful that the damage in the St. Louis area was light and pray for those in Mississippi who have seen death and terrible destruction there. Bless all with Your caring grace and give us strength to recover and do yet more good. And we pray that You be with us this week that our decisions are beneficial and helpful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 22, 2010 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Rupp offered Senate Resolution No. 2276, regarding Miranda Jones, Troy, which was adopted.

Senator Rupp offered Senate Resolution No. 2277, regarding Charley Thrash, which was adopted.

Senator Crowell offered Senate Resolution No. 2278, regarding Crystal Cerny, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2279, regarding Dr. James Stapleton, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2280, regarding Virginia Sander, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2281, regarding Tracy Haggerty, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2282, regarding Mark Cook, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2283, regarding Edna J. Estes, which was adopted.

Senator Pearce offered Senate Resolution No. 2284, regarding Ryan Jacks, Archie, which was adopted.

Senator Days offered Senate Resolution No. 2285, regarding Nathaniel James Turner, University City, which was adopted.

Senator Days offered Senate Resolution No. 2286, regarding Douglas Edgar Holmes, University City, which was adopted.

Senator Goodman offered Senate Resolution No. 2287, regarding Dr. John Jungmann, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 2288, regarding Karen Remington, which was adopted.

Senator Goodman offered Senate Resolution No. 2289, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth L. Russell, Springfield, which was adopted.

Senator Goodman offered Senate Resolution No. 2290, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Junior Schlessman, Anderson, which was adopted.

Senator Goodman offered Senate Resolution No. 2291, regarding Peggy Robb Duncan, Mt. Vernon, which was adopted.

Senator Pearce offered Senate Resolution No. 2292, regarding Dr. Aaron Podolefsky, Warrensburg, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2293, regarding Madalyn Josephine Enzmann, Wildwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2294, regarding Sammie Jayne Hill, O'Fallon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2295, regarding Margaret Marian Mack, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2296, regarding Julie Kay Wolfskill, Marceline, which was adopted.

Senator Lager offered Senate Resolution No. 2297, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gary Hagg, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 2298, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marion Tritten, Helena, which was adopted.

Senator Keaveny offered Senate Resolution No. 2299, regarding Kennard Classical Junior Academy, Saint Louis, which was adopted.

Senator Mayer offered Senate Resolution No. 2300, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tommy Ott, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 2301, regarding Three Rivers Community College, which was adopted.

Senator Lembke offered Senate Resolution No. 2302, regarding the death of Edgar J. "Toots" Schulte, Jefferson City, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 2303

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 7:30 a.m. to 6:00 p.m. on Thursday, October 7, 2010.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2303** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2303** was adopted.

Senator Schaefer offered Senate Resolution No. 2304, regarding Dennis J. Cupp, which was adopted.

Senator Schaefer offered Senate Resolution No. 2305, regarding the 2010 University of Missouri Women's Gymnastics team, which was adopted.

Senator Justus offered Senate Resolution No. 2306, regarding Bruce C. Houdek, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2307, regarding Bill Stephenson, Kirksville, which was adopted.

**SENATE BILLS FOR PERFECTION**

**SB 1060**, with **SCS**, was placed on the Informal Calendar.

Senator Keaveny moved that **SB 969**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 969**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 969**

An Act to repeal section 167.031, RSMo, and to enact in lieu thereof two new sections relating to school attendance.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 969** be adopted.

Senator Rupp assumed the Chair.

At the request of Senator Keaveny, **SB 969**, with **SCS** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 3** for **SCS** for **SJR 45**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Schmitt assumed the Chair.

**HOUSE BILLS ON THIRD READING**

**HB 2111**, with **SCS**, introduced by Representative Faith, et al, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the Missouri State Transit Assistance Program.

Was taken up by Senator Stouffer.

**SCS** for **HB 2111**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2111**

An Act to repeal sections 226.095 and 230.220, section 301.064 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 301.064 as enacted by house bill no. 769, eighty-ninth general assembly, first regular session, and sections 301.010, 301.032, 301.069, 301.120, 301.130, 301.142, 301.144, 301.196, 301.200, 301.218, 301.280, 301.290, 301.560, 301.561, 301.562, 301.567, 301.570, 302.220, 302.230, 302.341, 303.025, 303.080, 304.705, and 304.820, RSMo, and to enact in lieu thereof thirty-three new sections relating to transportation, with penalty provisions for certain sections and an effective date for certain sections.

Was taken up.

Senator Stouffer moved that **SCS** for **HB 2111** be adopted.

Senator Stouffer offered **SS** for **SCS** for **HB 2111**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2111

An Act to repeal sections 226.095 and 230.220, section 301.064 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 301.064 as enacted by house bill no. 769, eighty-ninth general assembly, first regular session, and sections 227.313, 301.002, 301.003, 301.010, 301.032, 301.069, 301.120, 301.130, 301.142, 301.144, 301.196, 301.218, 301.280, 301.290, 301.560, 301.561, 301.562, 301.567, 301.570, 301.2998, 301.3150, 302.183, 302.220, 302.230, 302.341, 303.025, 303.080, 304.705, and 304.820, RSMo, and to enact in lieu thereof thirty-nine new sections relating to transportation, with penalty provisions for certain sections and an effective date for certain sections.

Senator Stouffer moved that **SS** for **SCS** for **HB 2111** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2111, Page 3, Section 227.313, Line 23 of said page, by inserting after all of said line the following:

**“227.700. The director of the department of public safety shall provide to the general assembly and the Missouri highways and transportation commission on February 1, 2011, and each year thereafter a report identifying all ten-mile segments of two-lane rural lettered highways without shoulders in Missouri where vehicle accidents have resulted in a total of four or more fatal accidents over the previous seven years. Within forty-five days of issuing the report, the department of public safety shall cause to be erected a warning sign at each end of each ten-mile segment alerting motorists as follows: Danger – Proceed With Caution – High Risk of Fatal Accidents. Call MoDOT 573.751.2551 for Road Safety Improvements.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Rupp offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2111, Page 3, Section 227.313, Line 23 of said page, by inserting after all of said line the following:

**“227.700. The director of the department of public safety shall provide to the general assembly and the Missouri highways and transportation commission on February 1, 2011, and each year thereafter a report identifying all ten-mile segments of two-lane rural lettered highways without shoulders in Missouri where vehicle accidents have resulted in a total of four or more fatal accidents over the previous seven years.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above substitute amendment be adopted, which motion prevailed.

Senator Green offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2111, Page 101, Section 303.080, Line 27 of said page, by inserting after all of said line the following:

**“304.125. 1. Notwithstanding section 304.120 or any other provision of the law to the contrary, no county, city, town, village, municipality, or other political subdivision of this state may use photo radar speed detection to determine compliance with any speed limit imposed by this chapter or by any local ordinance on any state highway.**

**2. As used in this section, the term “photo radar speed detection” means the detection of a motor vehicle's speed by the use of a radar device combined with a camera or other optical device to establish photographic evidence that the motor vehicle or its operator is traveling in excess of the legal speed limit established by statute, ordinance, order, or other provision of law.**

**3. A speeding violation obtained through the use of an automated traffic enforcement photo radar system in violation of this section shall be void and unenforceable.”; and**

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered SA 3:

## SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2111, Page 2, Section A, Line 6, by inserting immediately after said line the following:

**“226.006. Notwithstanding any other law to the contrary, the Missouri department of transportation shall continue to provide such personnel support and premises for operations to any state transportation employees credit union which the department of transportation provided on January 1, 2010. The credit union shall reimburse the agency for personnel costs of the persons directly assigned to the credit union, including salaries, employer contributions to the retirement system and state health insurance program, other compensation and employee benefits as provided by law, and reimbursement of travel expenses associated with duties on behalf of the credit union. For purposes of this section, a state transportation employees credit union is a credit union with a field of membership consisting of past and present Missouri department of transportation employees and Missouri highway patrol employees, and members of the immediate family or household of such persons to the extent permitted by the credit union statutes and regulations.”; and**

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion failed.

President Kinder assumed the Chair.

Senator Engler offered SA 4:

## SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2111, Page 3, Section 227.313, Line 23, by inserting after all of said line the following:

**“227.324. The pedestrian and bicycle lane on the southernmost, down stream U.S. Highway 54**



bridge, crossing the Missouri River at Jefferson City, Missouri, in Cole County, shall, upon completion of its construction, be designated as the “Pat Jones Pedestrian/Bicycle Lane”. The department of transportation shall erect and maintain appropriate signs designating such pedestrian and bicycle lane, with the costs to be paid for by private donations.”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2111, Page 21, Section 301.010, Line 7 of said page, by inserting immediately after said line the following:

“301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall [retain] **obtain** the odometer information [provided in the vehicle inspection report] **in a manner prescribed by rule**, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under and pursuant to subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.”; and

Further amend said bill, page 33, section 301.130, line 19 of said page, by inserting after all of said line the following:

“301.132. 1. For purposes of this section, “street rod” is a vehicle older than 1949 or a vehicle manufactured after 1948 to resemble a vehicle manufactured before 1949; and has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

2. The model year and the year of manufacture that are listed on the certificate of title of a street rod vehicle shall be the model year and year of manufacture that the body of such vehicle resembles. The current and all subsequent certificates of ownership shall be designated with the word “REPLICA”.

3. For each street rod, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees.

4. In applying for registration of a street rod pursuant to this section, the owner of the street rod shall submit with the application a certification that the vehicle for which the application is made:

(1) Will be maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses;

(2) Will not be used for general daily transportation.

5. [In addition to the certification required pursuant to subsection 4 of this section, when applying for registration of a street rod, the new owner of the street rod shall provide proof that the street rod passed a safety inspection in accordance with section 307.350, RSMo, that shall be approved by the department of public safety in consultation with the street rod community in this state.

6.] On registration of a vehicle pursuant to this section, the director of the department of revenue shall issue to the owner two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: “STREET ROD”, “STATE OF MISSOURI”. Such license plates shall be kept securely attached to the motor vehicle registered pursuant to this section. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

[7.] 6. Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section.

[8. Except as provided in subsection 5 of this section,]

**7.** A vehicle registered pursuant to this section is exempt from any statute of this state that requires periodic vehicle inspections and from any statute of this state that requires the use and inspection of emission controls.

[9.] **8.** A “custom vehicle” means any motor vehicle that:

(1) Is at least twenty-five years old and of a model year after 1948, or was manufactured to resemble a vehicle twenty-five years old or older and of a model year after 1948; and

(2) Has been altered from the manufacturer's original design, or has an entire body constructed from nonoriginal materials.

[10.] **9.** The model year and the year of manufacture that are listed on the certificate of title of a custom vehicle shall be the model year and year of manufacture that the body of such vehicle resembles. The current and all subsequent certificates of ownership shall be designated with the word “REPLICA”.

[11.] **10.** For each custom vehicle, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees.

[12.] **11.** In applying for registration of a custom vehicle pursuant to this section, the owner of the custom vehicle shall submit with the application a certification that the vehicle for which the application is made:

(1) Will be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses; and

(2) Will not be used for general daily transportation.

[13. In addition to the certification required pursuant to subsection 12 of this section, when applying for registration of a custom vehicle, the new owner of the custom vehicle shall provide proof that the custom vehicle passed a safety inspection in accordance with section 307.350, RSMo, that shall be approved by the department of public safety in consultation with the street rod community in this state.

14.] **12.** On registration of a vehicle pursuant to this section, the director of the department of revenue shall issue to the owner two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: “CUSTOM VEHICLE”, “STATE OF MISSOURI”. Such license plates shall be kept securely attached to the motor vehicle registered hereunder. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

[15.] **13.** Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section.

[16. Except as provided in subsection 13 of this section,]

**14.** A vehicle registered pursuant to this section is exempt from any statute of this state that requires periodic vehicle inspections and from any statute of this state that requires the use and inspection of emission controls.

[17.] **15.** For purposes of this section, “blue dot tail light” is a red lamp installed in the rear of a motor

vehicle containing a blue or purple insert that is not more than one inch in diameter.

[18.] **16.** A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.”; and

Further amend said bill, page 49, section 301.144, line 17 of said page, by inserting after all of said line the following:

“301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, **and** proof of [a motor vehicle safety inspection and] any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026, RSMo.

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period.

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application.

When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, RSMo, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536, RSMo, indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner,

and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307, RSMo, and the emissions inspection required under chapter 643, RSMo, shall be completed and the fees required by section 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner.

10. [When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307, RSMo. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365, RSMo, for making the inspection, and the fee shall be deposited in the

same manner as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307, RSMo, and the emissions inspection required under chapter 643, RSMo, shall be completed and only the fees required by section 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11.] Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall[, in lieu of the inspection required by subsection 10 of this section,] be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

[12.] **11.** When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

[13.] **12.** When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

[14.] **13.** The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

[15.] **14.** Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under



subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles. The department of revenue shall issue the owner a certificate of ownership designated with the words “Reconstructed Motor Vehicle” and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.”; and

Further amend said bill, page 81, section 301.580, line 19 of said page, by inserting after all of said line the following:

“301.800. 1. Any motor vehicle assembled by a two- or four-year institution of higher education exclusively utilizing solar power and built to compete in a national competition organized to foster interest in solar energy shall be registered and titled by the director of revenue, other laws regulating licensing of motor vehicles to the contrary notwithstanding.

2. Such institution shall file an application in a form prescribed by the director, verified by affidavit, that such vehicle meets the requirements of subsection 1 of this section.

3. The plate issued by the director shall be the collegiate plate of the institution and shall display the term “solar” in a manner prescribed by the director.

4. The institution shall pay the applicable fees as determined by the director.

5. Such motor vehicle shall be exempt from the inspections required by [section 307.350, RSMo, and] section 643.315, RSMo, and shall only be operated on the streets and highways with the approval of the institution of higher education.”; and

Further amend said bill, page 106, section 304.820, line 3 of said page, by inserting after all of said line the following:

“307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an [official] inspection [station] **conducted by the state highway patrol or by any entity approved by the state highway patrol**, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school year. The inspection shall[, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390,] include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

(1) All mirrors, including crossview, inside, and outside;

(2) The front and rear warning flashers;

(3) The stop signal arm;

(4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;

(5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;

(6) The exhaust tailpipe shall be flush with or may extend not more than two inches beyond the

perimeter of the body or bumper;

- (7) The emergency doors and exits to determine them to be unlocked and easily opened as required;
- (8) The lettering and signing on the front, side and rear of the bus;
- (9) The service door;
- (10) The step treads;
- (11) The aisle mats or aisle runners;
- (12) The emergency equipment which shall include as a minimum a first aid kit, flares or fuses, and a fire extinguisher;
- (13) The seats, including a determination that they are securely fastened to the floor;
- (14) The emergency door buzzer;
- (15) All hand hold grips;
- (16) The interior glazing of the bus;
- (17) The brakes;**
- (18) The lighting equipment;**
- (19) The signaling devices;**
- (20) The steering mechanism;**
- (21) The horns;**
- (22) The windshield wipers;**
- (23) The tires;**
- (24) The wheels;**
- (25) The exhaust system;**
- (26) The glazing;**
- (27) Any air pollution control devices;**
- (28) The fuel system;**
- (29) Any other safety equipment required by the superintendent as provided by rule and regulation.**

2. In addition to the inspection required by subsection 1 of this section, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050, RSMo. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 of this section and the following:

- (1) The driver seat belts;
- (2) The heating and defrosting systems;
- (3) The reflectors;

- (4) The bus steps;
- (5) The aisles;
- (6) The frame.

3. If, upon inspection, conditions which violate the standards in subsection 2 of this section are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 of this section shall be applicable.

**5. The superintendent shall promulgate rules and regulations to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**

6. Notwithstanding the provisions of section 307.390 to the contrary, a violation of this section shall be a class C misdemeanor.

307.390. 1. Any person who violates any provision of [sections 307.350 to 307.390] **section 307.375** is guilty of an infraction and upon plea or finding of guilt shall be punished as provided by law.

2. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to investigate and enforce motor vehicle safety inspection laws and regulations pursuant to [sections 307.350 to 307.390] **section 307.375** and sections 643.300 to 643.355, RSMo. A person assigned by the superintendent pursuant to the authority granted by this subsection shall be designated a motor vehicle inspector and shall have limited powers to issue a uniform complaint and summons for a violation of the motor vehicle inspection laws and regulations. A motor vehicle inspector shall not have authority to exercise the power granted in this subsection until such inspector successfully completes training provided by, and to the satisfaction of, the superintendent.

643.303. 1. Beginning September 1, 2007, emissions inspections required by sections 643.300 to 643.355 shall be conducted through a decentralized emissions program that meets the requirements of this section. Prior to September 1, 2007, the air conservation commission shall develop a decentralized emissions inspection program that allows official inspection stations to conduct on-board diagnostic emission inspections of 1996 model year and newer motor vehicles equipped with on-board diagnostic systems meeting the federal Environmental Protection Agency On-Board Diagnostics II (OBDII) standards. The decentralized emissions inspection program shall, at a minimum, provide for the following:

- (1) The periodic inspection of certain motor vehicles as required under section 643.315;

(2) The certification and operation of official emissions inspection stations and the licensing of emission inspectors;

(3) The testing of motor vehicles through on-board diagnostic testing technologies;

(4) The training, certification, and supervision of emission inspectors and other personnel; and

(5) Procedures for certifying test results and for reporting and maintaining relevant data records.

2. In addition to any other criteria established by the commission under section 643.320 or by rule, the decentralized emissions inspection program shall allow any [official inspection station] **individual, corporation, or entity that is certified under sections 643.200 to 643.355** located in an area described in subsection 1 of section 643.305 [otherwise qualified by the Missouri state highway patrol to conduct motor vehicle safety inspections under section 307.360, RSMo,] to conduct on-board diagnostic emission inspections. Any [motor vehicle safety inspection station] **individual, corporation, or entity** that desires to conduct emissions inspections shall submit an application for a certificate of authorization to the commission as provided for under section 643.320. [Other] **Such** individuals, corporations, or entities [that do not conduct motor vehicle safety inspections] may conduct emission inspections provided they meet the qualifications set forth in sections 643.300 to 643.355 and the rules promulgated by the commission. Applications shall be made upon a form designated by the commission and shall contain such information as may be required by the commission. A certificate of authorization issued under section 643.320 to conduct emission inspections shall be issued only after the commission has made a determination that the applicant's proposed inspection station will be properly equipped, has the necessary licensed emission inspectors to conduct inspections, and meets all other requirements of sections 643.300 to 643.355 or rules promulgated to carry out the provisions of those sections.

3. The decentralized emissions inspection program shall allow any official inspection station that is certified to conduct an on-board diagnostic emission inspection under sections 643.300 to 643.355 to repair motor vehicles in order to bring such vehicles into compliance with sections 643.300 to 643.355, if such station and personnel meet the qualifications to conduct emission repairs as set forth in sections 643.300 to 643.355. An official emission inspection station may elect to be an emissions test-only station or may elect to conduct both emission inspections and repairs.

4. The commission is authorized to begin certification of official inspection stations prior to September 1, 2007, in order to implement the decentralized emissions inspection program. Prior to January 1, 2007, the department of natural resources shall issue a report to the general assembly and the governor regarding the progress of implementing the decentralized emissions inspection program. The report shall include, but not be limited to, a summary describing how many inspection stations or individuals the department expects to participate in the program and how many inspection stations or individuals will be qualified by September 1, 2007, to conduct such emissions inspections.

5. The commission may, as a part of implementing the decentralized emissions inspection program, use remote sensing devices to collect information regarding the vehicle fleet emissions characteristics and registration compliance within the area described in subsection 1 of section 643.305. The decentralized emissions inspection program established by the commission may also include a clean screen program that utilizes remote sensing devices. Owners of eligible vehicles who comply with clean screen/remote sensing procedures shall be deemed to have complied with the mandatory inspection requirements for the next inspection cycle. As used in this subsection, the term “clean screen program” shall mean a procedure or system that utilizes remote sensing technologies to determine whether a motor vehicle has acceptable

emission levels and then allows the motor vehicle owner to bypass the emissions inspection test required under section 643.315.

6. [The decentralized emissions inspection program may include a gas cap pressure test and a visual inspection component, and such tests may be included as part of the motor vehicle safety inspection test under section 307.350, RSMo.

7.] As used in sections 643.300 to 643.355, “decentralized emissions inspection program” means an emissions inspection program under which a certified emissions inspector conducts emissions inspection testing at an official inspection station.

[8.] 7. The decentralized emission inspection program shall satisfy the requirements established by regulation of the United States Environmental Protection Agency.

[9.] 8. The decentralized emissions inspection program established by the commission and sections 643.300 to 643.355 shall not be construed to be a new program as described in section 23.253, RSMo, and the decentralized emissions inspection program shall not be subject to the sunset mandate prescribed by sections 23.250 to 23.298, RSMo.

[10.] 9. No later than July 1, 2007, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of sections 643.300 to 643.355.

[11.] 10. No later than July 1, 2007, the air conservation commission shall promulgate rules for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

[12.] 11. Prior to September 1, 2007, the department of natural resources shall actively promote participation in the decentralized emissions inspection program among qualified motor vehicle dealers, service stations, and other individuals. After the implementation of the decentralized emission inspection program, the department shall monitor participation in such program. In determining whether there are a sufficient number of individuals conducting motor vehicle emission inspections under the decentralized program, the department shall attempt to ensure, through promotional efforts, that no more than twenty percent of all persons residing in the affected nonattainment area reside farther than five miles from the nearest inspection station.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer; provided that, if such vehicle is inspected and approved prior to sale or transfer, such vehicle shall not be subject to another emissions inspection for ninety days after the date of sale or transfer of such vehicle. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established

pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle. The department of revenue shall require evidence of the safety and emission inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by [sections 307.350 to 307.390, RSMo, and] sections 643.300 to 643.355. The director of revenue may verify that a successful [safety and] emissions inspection was completed via electronic means.

2. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles manufactured prior to 1996;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal;

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;

(7) Historic motor vehicles registered pursuant to section 301.131, RSMo;

(8) School buses;

(9) Heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of eight thousand five hundred pounds;

(10) New motor vehicles that have not been previously titled and registered, for the four-year period following their model year of manufacture[, provided the odometer reading for such motor vehicles are under forty thousand miles at their first required biennial safety inspection conducted under sections 307.350 to 307.390, RSMo; otherwise such motor vehicles shall be subject to the emissions inspection requirements of subsection 1 of this section during the same period that the biennial safety inspection is conducted]; and

(11) Motor vehicles that are driven fewer than twelve thousand miles [between biennial safety inspections] **on a biennial basis.**

3. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established pursuant to sections 643.300 to

643.355.

4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

- (a) With prior inspection and approval as provided in subdivision (2) of this subsection; or
- (b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380, RSMo.”; and

Further amend said bill, page 106, section 301.003, line 24 of said page, by inserting after all of said line the following:

“[307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) Motor vehicles, for the five-year period following their model year of manufacture, excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo;

(4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve

months; shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.]

[307.353. Other provisions of law notwithstanding, no person shall be required to have a biennial vehicle inspection during a registration period which exceeds two years. The inspection required at the beginning of the registration period shall be valid for the entire registration period.]

[307.355. 1. No state registration license to operate the type of vehicle required to be inspected by section 307.350 may be transferred or issued during a biennial registration year in which the vehicle is required to be inspected unless the application is accompanied by a certificate of inspection and approval issued no more than sixty days prior to the date of application, or in the case of school buses, which will be required to be inspected annually as provided in section 307.375, except:

(1) The director of revenue may transfer or issue a state registration license to the type of vehicle required to be inspected by section 307.350 without a certificate of inspection and approval accompanying the application if the director has satisfactory evidence that the vehicle was not in the state of Missouri at any time during the sixty days prior to the date of application; however, the



owner of every such vehicle must submit the vehicle for inspection and obtain a certificate of inspection and approval within ten days after the vehicle is first returned to the state of Missouri;

(2) The director of revenue shall renew a vehicle's registration license without a certificate of inspection and approval accompanying the application if satisfactory documentary evidence is presented at the time of application that the license being renewed was properly transferred within a six-month period prior to the expiration of the license being renewed or that the vehicle for which the registration is being issued was issued a registration for a period of less than one year for the registration period just expiring.

2. If due to interstate operation a commercial motor vehicle as defined in section 301.010, RSMo, or a trailer of the type required to be inspected is required to obtain full fee registration in this and any other state during the same calendar year, no Missouri certificate of inspection and approval is required if the vehicle bears evidence that a current valid inspection sticker or decal was issued by such other state in which the vehicle is registered; provided that the sticker or decal issued by such other state is valid for the registration period in this state.

3. After a commercial motor vehicle as defined in section 301.010, RSMo, has been registered for the current year, no certificate of inspection and approval is required when a local commercial motor vehicle license is changed to a beyond-local commercial motor vehicle license or when the licensed gross weight is changed during the licensed period.]

[307.360. 1. The superintendent of the Missouri state highway patrol shall issue permits and written instructions to official inspection stations and shall furnish forms and certificates for the inspection of brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system, and any other safety equipment required by the state. In no instance will road testing of a vehicle be considered a part of the inspection procedure.

2. The superintendent of the Missouri state highway patrol shall prescribe the standards and equipment necessary for an official inspection station and the qualifications for persons who conduct the inspections, and no applicant may be approved to operate an official inspection station until the applicant meets the standards and has the required equipment and qualified inspectors as prescribed. The superintendent of the Missouri state highway patrol shall establish standards and procedures to be followed in the making of inspections required by sections 307.350 to 307.390 and shall prescribe rules and regulations for the operation of the stations.

3. (1) The application for permit as an official inspection station shall be made to the superintendent of the Missouri state highway patrol on a form furnished by the superintendent. The fee for a permit to operate an official inspection station shall be ten dollars per year and each permit shall be renewed annually on the date of issue. All fees shall be payable to the director of revenue and shall be deposited by him in the state treasury to the credit of the state highway fund.

(2) The application shall set forth the name under which applicant transacts or intends to transact business, the location of the applicant's place of business and such other information as the superintendent of the Missouri state highway patrol may require. If the applicant has or intends to have more than one place of business within the state, a separate application shall be made for each place of business. If the applicant is a partnership, the application shall set forth the names of the partners; if a corporation, the names of the officers shall be shown. The application shall be signed and verified by oath or affirmation of the owner or an authorized officer or partner.

(3) Each location which fulfills the superintendent of the Missouri state highway patrol's requirements and whose owners, proprietors and employees comply with the superintendent's regulations and qualifications shall be designated as an official inspection station and the applicant issued a certificate. The superintendent of the Missouri state highway patrol shall investigate all applicants for inspection station permits to determine whether or not the premises, equipment and personnel meet the requirements prescribed by him.

(4) Any automobile mechanic who has had at least one year of practical experience as an automotive mechanic or any person who has successfully completed a course of vocational instruction in automotive mechanics from a generally recognized educational institution, either public or private, and who has demonstrated the knowledge and ability to conduct an inspection in compliance with the regulations established by the superintendent of the Missouri state highway patrol may be issued a permit to conduct inspections at any official inspection station. No person without a valid permit shall conduct any part of an inspection, except a person without a valid permit may assist in the inspection of a vehicle by operating the vehicle's lighting equipment and signaling devices. The superintendent of the Missouri state highway patrol may require a mechanic to be reexamined at any time to determine the mechanic's knowledge and ability to conduct an inspection. If the mechanic fails the reexamination or refuses to be reexamined, the permit issued to the mechanic shall be suspended until the mechanic passes the examination but under no circumstances can the mechanic again be tested until a period of thirty days has elapsed. No fee shall be charged for the permit and the permit shall remain valid for a period of three years from the date of issue or until suspended or revoked by the superintendent of the Missouri state highway patrol.

(5) The superintendent of the Missouri state highway patrol may issue a private official inspection station permit to any association, person, partnership, corporation and/or subsidiary corporation, and governmental entity having registered or titled in his, her or its name in this state one or more vehicles of the type required to be inspected by section 307.350, or who maintains such vehicles under a written maintenance agreement of at least one year's duration and who maintains approved inspection facilities and has qualified personnel; but separate permits must be obtained for separate facilities of the same association, person, partnership, corporation and/or subsidiary corporation, or governmental entity. Such private stations shall inspect only vehicles registered or to be registered, titled or to be titled or maintained in the name of the person or organization described on the application for permit. No fee shall be charged for a permit issued to a governmental entity.

4. (1) The superintendent of the Missouri state highway patrol shall supervise and cause inspections to be made of the official inspection stations and inspecting personnel and if the superintendent finds that the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390 are not being complied with, or that the business of an official inspection station, in connection with corrections, adjustments, repairs or inspection of vehicles is being improperly conducted, the superintendent shall suspend or revoke the permit of the station for a period of not less than thirty days or more than one year and require the immediate surrender and return of the permit, together with all official forms and certificates of inspection and approval. If the superintendent finds that an inspector has violated any of the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390, the superintendent shall suspend or revoke the inspector's permit for a period of not less than thirty days nor more than one year. If a station operator or if an inspector violates any of the provisions of

sections 307.350 to 307.390, he or she is subject to prosecution as provided in section 307.390.

(2) The suspension or revocation of a station permit or of an inspector's permit shall be in writing to the operator, inspector, or the person in charge of the station. Before suspending or revoking either of the permits, the superintendent shall serve notice in writing by certified mail or by personal service to the permittee at the permittee's address of record giving the permittee the opportunity to appear in the office of the superintendent on a stated date, not less than ten nor more than thirty days after the mailing or service of the notice, for a hearing to show cause why the permittee's permit should not be suspended or revoked. An inspection station owner or an inspector may appear in person or by counsel in the office of the superintendent to show cause why the proposed suspension or revocation is in error, or to present any other facts or testimony that would bear on the final decision of the superintendent. If the permittee or the permittee's agent does not appear on the stated day after receipt of notice, it shall be presumed that the permittee admits the allegations of fact contained in the hearing notification letter. The decision of the superintendent may in such case be based upon the written reports submitted by the superintendent's officers. The order of the superintendent, specifying his findings of fact and conclusions of law, shall be considered final immediately after receipt of notice thereof by the permittee.

(3) Any person whose permit is suspended or revoked or whose application for a permit is denied may within ten days appeal the action as provided in chapter 536, RSMo.]

[307.365. 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station pursuant to the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake testing. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections 307.350 to 307.390. No person shall have in such person's possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by the superintendent for that purpose as the superintendent considers reasonably necessary for the proper and efficient administration of sections 307.350 to 307.390.

4. If, upon inspection, defects or unsafe conditions are found, the owner may correct them or shall have them corrected at any place the owner chooses within twenty days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that the corrections need not be made at the inspection station.

5. A fee, not to exceed twelve dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee, not to exceed ten dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted on the premises of each such official inspection station. No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous twenty consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, the owner shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that the corrections need not be made by the official inspection station and shall have a signature line for the owner. The owner must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. All fees collected shall be deposited in the state treasury with one dollar of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years shall be transferred to the state road fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the

biennium, shall not apply to the fund.

7. The owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters and any current unused inspection stickers, seals or other devices to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, provided the request is made during the calendar year or within sixty days thereafter in the manner prescribed by the superintendent of the Missouri state highway patrol. Stations which have a valid permit shall exchange unused previous year issue inspection stickers and/or decals for an identical number of current year issue, provided the unused stickers and/or decals are submitted for exchange not later than April thirtieth of the current calendar year, in the manner prescribed by the superintendent of the Missouri state highway patrol.]

[307.370. 1. No person shall represent in any manner any place as an official inspection station unless the station is operated under a valid permit issued by the superintendent of the Missouri state highway patrol.

2. No person unless then holding a valid permit shall issue a certificate of inspection and approval, sticker, seal or other device.

3. No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection, sticker, seal or other device.

4. No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval, sticker, seal or other device knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.]

[307.380. 1. Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected and an official certificate of inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again operated on the highways of this state. At the seller's expense every vehicle of the type required to be inspected by section 307.350, whether new or used, shall immediately prior to sale be fully inspected regardless of any current certificate of inspection and approval, and an appropriate new certificate of inspection and approval, sticker, seal or other device shall be obtained.

2. Nothing contained in the provisions of this section shall be construed to prohibit a dealer or any other person from selling a vehicle without a certificate of inspection and approval if the vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at public auction or from dealer to dealer. The purchaser of any vehicle which is purchased for junk, salvage, or for rebuilding, shall give to the seller an affidavit, on a form prescribed by the superintendent of the Missouri state highway patrol, stating that the vehicle is being purchased for one of the reasons stated herein. No vehicle of the type required to be inspected by section 307.350 which is purchased as junk, salvage, or for rebuilding shall again be registered in this state until the owner has submitted the vehicle for inspection and obtained an official certificate of inspection and approval, sticker, seal or other device for such vehicle.

3. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.]

[307.385. The superintendent of the Missouri state highway patrol may notify the director of

revenue and the director of revenue shall suspend the registration of any vehicle which the superintendent of the Missouri state highway patrol determines, after a written notice, is not equipped as required by law or for which a certificate required by sections 307.350 to 307.390 has not been obtained.]]"; and

Further amend said bill, page 106, section B, line 28 of said page, by inserting after all of said line the following:

"Section C. The repeal of sections 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.380, and 307.385, and the repeal and reenactment of sections 301.020, 301.132, 301.147, 301.190, 301.800, 307.375, 307.390, 643.303, and 643.315 shall become effective January 1, 2011."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Engler assumed the Chair.

Senator Lembke offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2111, Page 102, Section 304.161, Line 11 of said page, by inserting after all said line the following:

**"304.286. No county, city, town, village, municipality, state agency, or other political subdivision of this state that is authorized to issue a notice of violation for a violation of a state or local traffic law or regulation, shall use or employ an automated photo red light enforcement system at any intersection within its jurisdiction. As used in this section, the term "automated photo red light enforcement system" shall mean a device, consisting of a camera or cameras and a vehicle sensor or sensors, installed to work in conjunction with a traffic control signal, which is used to produce recorded images of motor vehicles entering an intersection against a red signal indication.";** and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Crowell, Cunningham, Ridgeway and Scott.

Senator Griesheimer assumed the Chair.

**SA 6** was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer	Pearce
Purgason	Ridgeway	Rupp	Schmitt	Scott	Shoemyer	Stouffer—23	

#### NAYS—Senators

Bray	Days	Keaveny	McKenna	Shields	Vogel	Wilson	Wright-Jones—8
------	------	---------	---------	---------	-------	--------	----------------

#### Absent—Senators

Justus	Nodler	Schaefer—3
--------	--------	------------

Absent with leave—Senators—None

Vacancies—None

Senator Dempsey offered **SA 7**, which was read:

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2111, Pages 101-102, Section 304.161, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **HB 2111**, as amended, be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SCS** for **HB 2111**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SS** for **SCS** for **HB 2111**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

**REFERRALS**

President Pro Tem Shields referred **HCS** for **HB 2048**, with **SCS**; **HCS** for **HBs 1408** and **1514**; **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, with **SCS**; and **SS No. 3** for **SCS** for **SJR 45** to the Committee on Governmental Accountability and Fiscal Oversight.

**HOUSE BILLS ON THIRD READING**

**HB 1941**, with **SCS**, introduced by Representative Parson, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was taken up by Senator Scott.

**SCS** for **HB 1941**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1941**

An Act to repeal sections 227.303 and 227.409, RSMo, and to enact in lieu thereof eleven new sections relating to memorial highway designations.

Was taken up.

Senator Scott moved that **SCS** for **HB 1941** be adopted.

Senator Engler offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Bill No. 1941, Page 1, Section 227.303, Line 3, by inserting after all of said line the following:

**“227.324. The pedestrian and bicycle lane on the southernmost, down stream U.S. Highway 54**

**bridge, crossing the Missouri River at Jefferson City, Missouri, in Cole County, shall, upon completion of its construction, be designated as the “Pat Jones Pedestrian/Bicycle Lane”. The department of transportation shall erect and maintain appropriate signs designating such pedestrian and bicycle lane, with the costs to be paid for by private donations.”; and**

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Champion offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1941, Page 1, Section 227.303, Line 3, by inserting after all of said line the following:

“227.313. The portion of Missouri Highway 266 located in Greene County from [North Missouri Road AB] **Airport Boulevard** to one mile east shall be designated as the “Dr. Martin Luther King Jr. Memorial Mile”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by private donations.”; and

Further amend the title and enacting clause accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS for HB 1941**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS for HB 1941**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 1424**, with **SCS**, introduced by Representative Franz, entitled:



An Act to repeal sections 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071, RSMo, and to enact in lieu thereof seventeen new sections relating to collection of taxes.

Was taken up by Senator McKenna.

SCS for **HB 1424**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1424

An Act to repeal sections 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071, RSMo, and to enact in lieu thereof seventeen new sections relating to collection of taxes.

Was taken up.

Senator McKenna moved that **SCS for HB 1424** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1424, Page 4, Section 55.190, Line 15, by inserting immediately after said line the following:

“138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

**(1) The assignment shall be deemed made when the scheduling order is first issued by the commission and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order.**

**(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.**

**3.** The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.

[3.] **4.** The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. There shall be no presumption that the assessor's valuation

is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

[4.] **5.** Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

[5.] **6.** All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 2:**

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1424, Page 4, Section 55.190, Line 15, by inserting after all of said line the following:

“67.1360. The governing body of:

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred ;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants; [or]

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants; **or**

**(33) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants;**

may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

**94.1011. 1. The governing body of any city of the third classification with more than three thousand five hundred but fewer than three thousand six hundred inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than three percent per occupied room per night, and shall be imposed solely for the purpose of funding the construction, maintenance, and repair of a multipurpose conference and convention center. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.**

**3. All revenue generated by the tax shall be collected by the city collector of revenue, shall be deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds. Any interest and moneys earned on such investments shall be credited to the fund.**

**4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.**

**5. Whenever the governing body of any city that has adopted the tax authorized in this section**

receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the city and the repeal is approved by a majority of the qualified voters voting on the question.

6. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.” and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1424, Page 4, Section 55.190, Line 15, by inserting after all of said line the following:

“137.180. 1. Whenever any assessor shall increase the valuation of any real property he shall forthwith notify the record owner of such increase, either in person, or by mail directed to the last known address; every such increase in assessed valuation made by the assessor shall be subject to review by the county board of equalization whereat the landowner shall be entitled to be heard, and the notice to the landowner shall so state.

2. Effective January 1, 2009, for all counties with a charter form of government, **other than any county adopting a charter form of government after January 1, 2008**, whenever any assessor shall increase the valuation of any real property, he or she shall forthwith notify the record owner on or before June fifteenth of such increase and, in a year of general reassessment, the county shall notify the record owner of the projected tax liability likely to result from such an increase, either in person, or by mail directed to the last known address; every such increase in assessed valuation made by the assessor shall be subject to review by the county board of equalization whereat the landowner shall be entitled to be heard, and the notice to the landowner shall so state. Notice of the projected tax liability from the county shall accompany the notice of increased valuation from the assessor.

3. **For all calendar years prior to the first day of January of the year following receipt of software necessary for the implementation of the requirements provided under subsections 4 and 5 of this section from the state tax commission, for any county not subject to the provisions of subsection 2 of this section or subsection 2 of section 137.355, whenever any assessor shall increase the valuation of any real property, he or she shall forthwith notify the record owner on or before June fifteenth of the previous assessed value and such increase either in person, or by mail directed to the last known address and include in such notice a statement indicating that the change in assessed value may impact the record owner's tax liability and provide all processes and deadlines for appealing determinations of the assessed value of such property. Such notice shall be provided in a font and format sufficient to alert a record owner of the potential impact upon tax liability and the appellate**

processes available.

**4. Effective January [1, 2011,] first of the year following receipt of software necessary for the implementation of the requirements provided under this subsection and subsection 5 of this section from the state tax commission,** for all counties not subject to the provisions of subsection 2 of this section or subsection 2 of section 137.355, whenever any assessor shall increase the valuation of any real property, he or she shall forthwith notify the record owner on or before June fifteenth of such increase and, in a year of general reassessment, the county shall notify the record owner of the projected tax liability likely to result from such an increase, either in person, or by mail directed to the last known address; every such increase in assessed valuation made by the assessor shall be subject to review by the county board of equalization whereat the landowner shall be entitled to be heard, and the notice to the landowner shall so state. Notice of the projected tax liability from the county shall accompany the notice of increased valuation from the assessor.

[4.] **5.** The notice of projected tax liability, required under subsections 2 and [3] **4** of this section, from the county shall include:

- (1) **The** record owner's name, address, and the parcel number of the property;
- (2) A list of all political subdivisions levying a tax upon the property of the record owner;
- (3) The projected tax rate for each political subdivision levying a tax upon the property of the record owner, and the purpose for each levy of such political subdivisions;
- (4) The previous year's tax rates for each individual tax levy imposed by each political subdivision levying a tax upon the property of the record owner;
- (5) The tax rate ceiling for each levy imposed by each political subdivision levying a tax upon the property of the record owner;
- (6) The contact information for each political subdivision levying a tax upon the property of the record owner;
- (7) A statement identifying any projected tax rates for political subdivisions levying a tax upon the property of the record owner, which were not calculated and provided by the political subdivision levying the tax; and
- (8) The total projected property tax liability of the taxpayer.

**6. In addition to the requirements provided under subsections 1, 2, and 5 of this section, effective January 1, 2011, in any county with a charter form of government and with more than one million inhabitants, whenever any assessor shall notify a record owner of any change in assessed value, such assessor shall provide notice that information regarding the assessment method and computation of value for such property is available on the assessor's website and provide the exact website address at which such information may be accessed. Such notification shall provide the assessor's contact information to enable taxpayers without internet access to request and receive information regarding the assessment method and computation of value for such property.**

137.355. 1. If an assessor increases the valuation of any tangible personal property as estimated in the itemized list furnished to the assessor, and if an assessor increases the valuation of any real property, he shall forthwith notify the record owner of the increase either in person or by mail directed to the last known address, and if the address of the owner is unknown notice shall be given by publication in two newspapers

published in the county.

**2. For all calendar years prior to the first day of January of the year following receipt of software necessary for the implementation of the requirements provided under subsections 3 and 4 of this section from the state tax commission, whenever any assessor shall increase the valuation of any real property, he or she shall forthwith notify the record owner on or before June fifteenth of the previous assessed value and such increase either in person, or by mail directed to the last known address and include on the face of such notice, in no less than twelve point font, the following statement: NOTICE TO TAXPAYER: IF YOUR ASSESSED VALUE HAS INCREASED, IT MAY INCREASE YOUR REAL PROPERTY TAXES WHICH ARE DUE DECEMBER THIRTY-FIRST. IF YOU DO NOT AGREE THAT THE VALUE OF YOUR PROPERTY HAS INCREASED, YOU MUST CHALLENGE THE VALUE ON OR BEFORE ..... (INSERT DATE BY WHICH APPEAL MUST BE FILED) BY CONTACTING YOUR COUNTY ASSESSOR.**

**3. Effective January [1, 2011,] first of the year following receipt of software necessary for the implementation of the requirements provided under this subsection and subsection 4 of this section from the state tax commission,** if an assessor increases the valuation of any real property, the assessor, on or before June fifteenth, shall notify the record owner of the increase and, in a year of general reassessment, the county shall notify the record owner of the projected tax liability likely to result from such an increase either in person or by mail directed to the last known address, and, if the address of the owner is unknown, notice shall be given by publication in two newspapers published in the county. Notice of the projected tax liability from the county shall accompany the notice of increased valuation from the assessor.

[3.] **4.** The notice of projected tax liability, required under subsection [2] **3** of this section, from the county shall include:

- (1) Record owner's name, address, and the parcel number of the property;
- (2) A list of all political subdivisions levying a tax upon the property of the record owner;
- (3) The projected tax rate for each political subdivision levying a tax upon the property of the record owner, and the purpose for each levy of such political subdivisions;
- (4) The previous year's tax rates for each individual tax levy imposed by each political subdivision levying a tax upon the property of the record owner;
- (5) The tax rate ceiling for each levy imposed by each political subdivision levying a tax upon the property of the record owner;
- (6) The contact information for each political subdivision levying a tax upon the property of the record owner;
- (7) A statement identifying any projected tax rates for political subdivisions levying a tax upon the property of the record owner, which were not calculated and provided by the political subdivision levying the tax; and
- (8) The total projected property tax liability of the taxpayer.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

At the request of Senator McKenna, **HB 1424**, with **SCS**, as amended (pending), was placed on the



Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 2198** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 2198**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2252**, entitled:

An Act to repeal section 135.630, RSMo, and to enact in lieu thereof one new section relating to a tax credit for contributions to pregnancy resource centers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2058**, entitled:

An Act to amend chapter 429, RSMo, by adding thereto one new section relating to mechanic's liens, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 984**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 62**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to pray.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 70**, entitled:

## HOUSE CONCURRENT RESOLUTION NO. 70

Relating to credit unions housed in Department of Transportation facilities.

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, credit unions have operated in Missouri Department of Transportation offices since the 1950s; and

Whereas, credit unions serve as a valuable employee benefit; and

Whereas, credit unions help employees meet their personal financial obligations which enhances employee productivity; and

Whereas, credit unions are owned by their member owners; and

Whereas, credit unions fully reimburse the Department of Transportation for salaries, benefits, and other expenses:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urge the Missouri Department of Transportation to allow the ten credit unions currently housed in Department of Transportation facilities to remain in those facilities until such time as the credit union board of directors, after consulting with their financial regulator, decides it is in the best interest of the credit union and its member owners to move the credit union to a location outside of Department of Transportation facilities; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 1316**—Jobs, Economic Development and Local Government.

**HB 1444**—Jobs, Economic Development and Local Government.

**HCS for HB 1786**—Jobs, Economic Development and Local Government.

**HCS for HB 1473**—Education.

**HCS for HB 1584**—Ways and Means.

**HB 1636**—Transportation.

**INTRODUCTIONS OF GUESTS**

Senator Shields introduced to the Senate, his parents, Charles and Rosalie Shields, St. Joseph.

Senator Bartle introduced to the Senate, his daughter, Betsy, Lee's Summit.

On behalf of Senator Pearce, the President introduced to the Senate, Ryan Jacks, his parents, Jim and Lisa, his brothers, Austin and Zane, and his great uncle, Larry Boucher, Archie.

On motion of Senator Engler, the Senate adjourned until 9:30 a.m., Tuesday, April 27, 2010.

**SENATE CALENDAR**  

---

**FIFTY-NINTH DAY—TUESDAY, APRIL 27, 2010**  

---

**FORMAL CALENDAR****HOUSE BILLS ON SECOND READING**

HB 2252-Faith  
HCS for HB 2058

HJR 62-McGhee, et al

THIRD READING OF SENATE BILLS

- |  |  |
|--|--|
| 1. SB 627-Justus (In Fiscal Oversight)                     | 7. SCS for SB 622-Shoemyer<br>(In Fiscal Oversight)          |
| 2. SJR 20-Bartle (In Fiscal Oversight)                     | 8. SS for SB 1057-Shields (In Fiscal Oversight)              |
| 3. SB 779-Bartle (In Fiscal Oversight)                     | 9. SS for SB 1007-Dempsey<br>(In Fiscal Oversight)           |
| 4. SCS for SB 944-Shields (In Fiscal Oversight)            | 10. SS#3 for SCS for SJR 45-Shields<br>(In Fiscal Oversight) |
| 5. SB 1026-Rupp (In Fiscal Oversight)                      |  |
| 6. SS for SCS for SB 884-Schaefer<br>(In Fiscal Oversight) |  |

HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HCS for HB 1675, with SCS (Ridgeway)<br>(In Fiscal Oversight)       | 17. HB 2270-Cooper (Shields)   |
| 2. HJR 76-Dethrow, et al, with SCS<br>(Purgason) (In Fiscal Oversight) | 18. HB 1609-Diehl, with SCS (Bartle)   |
| 3. HCS for HB 2048, with SCS (Lager)<br>(In Fiscal Oversight)          | 19. HCS#2 for HBs 1692, 1209, 1405,<br>1499, 1535 & 1811, with SCS (Bartle)<br>(In Fiscal Oversight) |
| 4. HCS for HBs 1408 & 1514 (Lembke)<br>(In Fiscal Oversight)           | 20. HCS for HB 1840 (Mayer)  |
| 5. HB 1942-Parson (Scott)  | 21. HCS for HB 1848 (Justus)   |
| 6. HCS for HB 1806 (Goodman)   | 22. HCS for HB 1903, with SCS (Mayer)  |
| 7. HB 1643-Brown (50), et al (Wilson)                                  | 23. HB 2317-Tracy, with SCS  |
| 8. HB 1612-Molendorp and Scavuzzo, with SCS<br>(Pearce)                | 24. HCS for HB 2231 (Goodman)  |
| 9. HB 1595-Dugger, et al (Purgason)                                    | 25. HCS for HB 1893, with SCA 1<br>(Schaefer)  |
| 10. HB 1340-Dugger (Clemens)   | 26. HCS for HB 2081 (Goodman)  |
| 11. HCS for HB 1290, with SCS (Griesheimer)                            | 27. HCS for HB 2161 (Goodman)  |
| 12. HCS for HB 2297, with SCS (Wilson)                                 | 28. HCS for HB 1965, with SCS<br>(Cunningham)  |
| 13. HB 1270-Meiners (Justus)   | 29. HCS for HB 1764, with SCS (Rupp)   |
| 14. HB 1894-Bringer (Bray)   | 30. HB 1713-Sander, et al (Schaefer)   |
| 15. HCS for HB 1898 (Dempsey)  | 31. HCS for HB 1831, with SCS (Stouffer)   |
| 16. HCS for HB 1977 (Griesheimer)                                      | 32. HCS for HBs 2147 & 2261 (Pearce)   |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- |  |   |
|--|---|
| SCS for SB 631-Cunningham<br>(In Fiscal Oversight) | SCS for SB 826-Griesheimer<br>SB 1001-Griesheimer |
|--|---|

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SBs 880, 780 & 836-Schaefer, with SCS,
SB 587-Nodler and Cunningham, with SCS & SA 1 (pending)	SS for SCS & SA 1 (pending)
SB 596-Callahan, with SCS (pending)	SBs 895, 813, 911, 924, 922 & 802-Dempsey, et al, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)
SB 606-Stouffer	SB 896-Shields and Crowell, with SA 1 (pending)
SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)	SB 905-Bray, et al, with SCS & SS for SCS (pending)
SB 639-Schmitt, with SCS & SS for SCS (pending)	SB 969-Keaveny, with SCS (pending)
SB 643-Keaveny, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)	SB 999-Schaefer
SB 698-Griesheimer, with SCS, SS for SCS & SA 1 (pending)	SB 1016-Mayer, with SCS
SB 705-Griesheimer	SB 1017-Mayer, with SCS (pending)
SB 738-Crowell, with SCS	SB 1060-Bartle, with SCS
SB 747-Rupp, et al, with SA 1 (pending)	SJR 22-Callahan
SB 784-Schaefer and Pearce	SJR 25-Cunningham, et al, with SCS, SS#2 for SCS & SA 5 (pending)
SB 792-Dempsey and Rupp, with SS (pending)	SJR 29-Purgason and Cunningham, with SCS & SS#2 for SCS (pending)
SB 797-Green	SJR 31-Scott
SB 810-Lager, with SCS	SJR 33-Bartle, with SA 1 (pending)
SB 818-Lembke, with SCS (pending)	SJR 34-Goodman, et al, with SA 1 (pending)
SB 839-Wright-Jones, with SCS	SJR 38-Ridgeway
SB 852-Lager, et al, with SS, SA 1 & SSA 1 for SA 1 (pending)	SJR 40-Goodman, with SA 1 (pending)
SB 868-Shields	
SB 878-Lembke, with SCS & SS for SCS (pending)	

## HOUSE BILLS ON THIRD READING

SS#2 for HB 1268-Meiners (Justus) (In Fiscal Oversight)	HCS#2 for HB 1472 (Schaefer)
HB 1424-Franz, with SCS (pending) (McKenna)	HB 2109-Ruzicka, with SCS (Lager)
SS for SCS for HB 1442-Jones (89), et al (Nodler) (In Fiscal Oversight)	SS for SCS for HB 2111-Faith, et al (Stouffer) (In Fiscal Oversight)
	HCS for HJR 86, with SCS & SS for SCS (pending) (Stouffer)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 1392-Kirkton, et al, with SCS (Bray)  
HB 2056-Diehl (Bartle)  
HB 1654-Zimmerman, et al (Goodman)

HB 2182-Munzlinger and Smith (150) (Clemens)  
HB 1892-Nasheed, et al, with SCS (Cunningham)  
HCS for HB 1858, with SCS (Shoemyer)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2001, with SCS (Mayer)  
HCS for HB 2002, with SS for SCS (Mayer)  
HCS for HB 2003, with SS for SCS (Mayer)  
HCS for HB 2004, with SCS (Mayer)  
HCS for HB 2005, with SCS (Mayer)  
HCS for HB 2006, with SCS (Mayer)  
HCS for HB 2007, with SCS (Mayer)

HCS for HB 2008, with SCS (Mayer)  
HCS for HB 2009, with SCS (Mayer)  
HCS for HB 2010, with SCS (Mayer)  
HCS for HB 2011, with SCS (Mayer)  
HCS for HB 2012, with SCS (Mayer)  
HCS for HB 2013, with SCS (Mayer)

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer  
HCR 38-Icet, et al, with SCA 1 (Lembke)  
SCR 52-Lager

HCS for HCRs 34 & 35 (Schmitt)  
SCR 56-Schmitt, et al  
SCR 55-Nodler  
SR 1744-Shields

To be Referred

HCR 70-Cunningham (145), et al

✓

# Journal of the Senate

SECOND REGULAR SESSION

---

**FIFTY-NINTH DAY—TUESDAY, APRIL 27, 2010**

---

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“While you are proclaiming peace with your lips, be careful to have it even more fully in your heart.” (St. Francis of Assisi)

We know, O Lord, that peace within allows us to face the most stressful situations with a calm that permits us to accomplish more and communicate more effectively with those who differ from us. Grant us such a peace, O God, so we might be able to create a more tranquil office and Senate Chamber. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Vogel offered Senate Resolution No. 2308, regarding Brendan Bagby, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2309, regarding Dr. Arthur Allen, Jr., which was adopted.

Senator Goodman offered Senate Resolution No. 2310, regarding Michael J. Dawson, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 2311, regarding the Honorable Timothy Perigo, which was adopted.

Senator Stouffer offered Senate Resolution No. 2312, regarding John E. Tye, which was adopted.

Senator Stouffer offered Senate Resolution No. 2313, regarding Nancy M. Daniel, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Keaveny moved that **SB 969**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 969** was again taken up.

President Kinder assumed the Chair.

Senator Keaveny offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 969, Page 4, Section 171.017, Line 18, by inserting at the end of said line the following: “**Average daily attendance for students starting on a second kindergarten start date shall be calculated as provided in subdivision 2 of section 163.011.**”.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Keaveny moved that **SCS** for **SB 969**, as amended, be adopted, which motion prevailed.

On motion of Senator Keaveny, **SCS** for **SB 969**, as amended, was declared perfected and ordered printed.

Senator Pearce assumed the Chair.

**HOUSE BILLS ON THIRD READING**

**HB 1942**, introduced by Representative Parson, entitled:

An Act to repeal section 190.309, RSMo, and to enact in lieu thereof one new section relating to emergency telephone board members in certain counties.

Was taken up by Senator Scott.

Senator Barnitz offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 1942, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “emergency service boards.”; and

Further amend said bill, page 3, section 190.309, line 85, by inserting immediately after said line the following:

“190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as “emergency services”, and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a county sales tax of ..... (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the [governing body] **board** shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The [governing body] **board** shall make



its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the [governing body] **board** shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided

in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

190.339. 1. The powers and duties of the emergency services board shall include, but not be limited to:

(1) Planning a 911 system and dispatching system;

(2) Coordinating and supervising the implementation, upgrading or maintenance of the system, including the establishment of equipment specifications and coding systems;

(3) Receiving money from any county sales tax authorized to be levied pursuant to section 190.335 and authorizing disbursements from such moneys collected;

(4) Hiring any staff necessary for the implementation, upgrade or operation of the system.

**2. The board shall be a body corporate and a political subdivision of the state and shall be known as the “..... Emergency Services Board”.**

**3.** The administrative control and management of the moneys from any county sales tax authorized to be levied pursuant to section 190.335 and the administrative control and management of the central dispatching of emergency services shall rest solely with the board, and the board shall employ all necessary personnel, affix their compensation and provide suitable quarters and equipment for the operation of the central dispatching of emergency services from the funds available for this purpose.

[3.] **4.** The board may contract to provide services relating in whole or in part to central dispatching of emergency services and for such purpose may expend the tax funds or other funds.

[4.] **5.** The board shall elect a vice chairman, treasurer, secretary and such other officers as it deems necessary. Before taking office, the treasurer shall furnish a surety bond in an amount to be determined and in a form to be approved by the board for the faithful performance of the treasurer's duties and faithful accounting of all moneys that may come into the treasurer's hands. The treasurer shall enter into the surety bond with a surety company authorized to do business in Missouri, and the cost of such bond shall be paid by the board of directors.

[5.] **6.** The board may accept any gift of property or money for the use and benefit of the central dispatching of emergency services, and the board is authorized to sell or exchange any such property which it believes would be to the benefit of the service so long as the proceeds are used exclusively for central dispatching of emergency services. The board shall have exclusive control of all gifts, property or money it may accept; of all interest of other proceeds which may accrue from the investment of such gifts or money or from the sale of such property; of all tax revenues collected by the county on behalf of the central dispatching of emergency services; and of all other funds granted, appropriated or loaned to it by the federal government, the state or its political subdivisions so long as such resources are used solely to benefit the central dispatching of emergency services.

[6.] **7.** Any board member may, following notice and an opportunity to be heard, be removed from any office by a majority vote of the other members of the board for any of the following reasons:

(1) Failure to attend five consecutive meetings, without good cause;

(2) Conduct prejudicial to the good order and efficient operation of the central dispatching of emergency services; or

(3) Neglect of duty.

[7.] **8.** The chairperson of the board shall preside at such removal hearing, unless the chairperson is the person sought to be removed, in which case the hearing shall be presided over by another member elected by a majority vote of the other board members. All interested parties may present testimony and arguments at such hearing, and the witnesses shall be sworn in by oath or affirmation before testifying. Any interested party may, at his or her own expense, record the proceedings.

[8.] **9.** Vacancies on the board occasioned by removals, resignations or otherwise, shall be filled by the remaining members of the board. The appointee or appointees shall act until the next election at which a director or directors are elected to serve the remainder of the unexpired term.

[9.] **10.** Individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board.

[10.] **11.** No person shall be employed by the board who is related within the fourth degree by blood or by marriage to any member of the board.”; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted.

At the request of Senator Scott, **HB 1942**, with **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Engler, the Senate recessed until 10:20 a.m.

## RECESS

The time of recess having expired the Senate was called to order by Senator Pearce.

## REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 3** for **SCS** for **SJR 45**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

## HOUSE BILLS ON THIRD READING

Senator Scott moved that **HB 1942**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **HB 1942**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke

Mayer	McKenna	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Champion	Nodler	Shoemyer—3
----------	--------	------------

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### THIRD READING OF SENATE BILLS

**SS No. 3** for **SCS** for **SJR 45**, introduced by Senator Shields, entitled:

#### SENATE SUBSTITUTE NO. 3 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 45

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2(a) and 2(b) of article IX of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the state board of education, with an effective date.

Was taken up.

On motion of Senator Shields, **SS No. 3** for **SCS** for **SJR 45** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Barnitz	Cunningham—2
---------	--------------

Absent—Senator Shoemyer—1

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1806**, entitled:

An Act to repeal section 48.020, RSMo, and to enact in lieu thereof one new section relating to county classification, with an emergency clause.

Was taken up by Senator Goodman.

Senator Goodman offered **SS** for **HCS** for **HB 1806**, entitled:

#### **SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1806**

An Act to repeal sections 48.020 and 48.030, RSMo, and to enact in lieu thereof two new sections relating to county classification, with an emergency clause.

Senator Goodman moved that **SS** for **HCS** for **HB 1806** be adopted.

Senator Rupp offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for House Committee Substitute for House Bill No. 1806, Page 4, Section 48.030, Line 5 of said page, by inserting after all of said line the following:

**“71.275. Notwithstanding any other provision of this chapter to the contrary, if the governing body of any municipality finds it in the public interest that a parcel of land within a research, development, or office park project established under section 172.273, that is contiguous and compact to the existing corporate limits of the municipality and located in an unincorporated area of the county, should be located in the municipality, such municipality may annex such parcel, provided that the municipality obtains written consent of all the property owners located within the unincorporated area of such parcel.**

**79.025. No city of the fourth classification with more than two thousand three hundred but fewer than two thousand four hundred inhabitants and located in any county with a charter form of government and with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants shall annex any territory adjacent to the city if such adjacent territory proposed for annexation does not contain any registered voters unless the city has obtained the written consent of all the owners of real property within such adjacent territory.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Goodman moved that **SS** for **HCS** for **HB 1806**, as amended, be adopted, which motion

prevailed.

On motion of Senator Goodman, **SS** for **HCS** for **HB 1806**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

Senator Stouffer assumed the Chair.

**HB 1643**, introduced by Representative Brown (50), et al, entitled:

An Act to repeal section 193.265, RSMo, and to enact in lieu thereof two new sections relating to recording fees.

Was taken up by Senator Wilson.

Senator Wilson offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend House Bill No. 1643, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“59.003. All requests for records filed or recorded by the recorder of deeds under this chapter dated after December 31, 1969, shall be made to the office of the recorder of deeds in which the record was originally recorded.”; and**

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend House Bill No. 1643, Page 3, Section 193.265, by adding after said section the following:

**“429.110. Whenever property is sought to be charged with a lien under sections 429.010 to 429.340, and the owner of the property so sought to be charged shall not be a resident of this state, or shall have no agent in the county in which said property is situate, or when such owner shall be a resident of the state, but conceals himself, or has absconded, or absents himself from his usual place of abode, so that the notice required by section 429.100 cannot be served upon him, then, and in every such case, such notice may be [filed] **recorded** with the recorder of deeds of the county in which such property is situate, and when [filed] **recorded** shall have like effect as if served upon such owner or his agent in the manner contemplated by section 429.100[; and a copy of such notice so filed, together with the certificate of such recorder of deeds that the same is a correct copy of the notice so filed, shall be received in all courts of this state as evidence of the service, as herein provided, of such notice; and the recorder of deeds in each county of this state shall receive, file and keep every such notice so presented to him for filing, and shall further record the same at length in a separate book appropriately entitled; and for such service so performed, such recorder shall receive for each notice the sum of twenty-five cents, and for each copy so certified as aforesaid of each of said notices, shall receive the sum of fifty cents, to be paid by the party so filing or procuring such certified copy, as the case may be, and the costs of filing and of one certified copy] . **Such notice shall be accompanied by an applicable fee for recording and** shall be taxed as costs in any lien suit to which the same pertains, to abide the result of the suit.”; and**

Further amend the title accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wilson, **HB 1643**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

## NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 1612**, with **SCS**, introduced by Representatives Molendorp and Scavuzzo, entitled:

An Act to repeal section 204.300, RSMo, and to enact in lieu thereof one new section relating to sewer district trustees.

Was taken up by Senator Pearce.

**SCS** for **HB 1612**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1612

An Act to repeal sections 204.300, 204.472, 204.571, and 250.233, RSMo, and to enact in lieu thereof four new sections relating to sewer districts.

Was taken up.

Senator Pearce moved that **SCS** for **HB 1612** be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **HB 1612** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Lembke—1

Absent with leave—Senator Keaveny—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.



At the request of Senator Purgason, **HB 1595** was placed on the Informal Calendar.

**HB 1340**, introduced by Representative Dugger, entitled:

An Act to repeal section 321.247, RSMo, relating to sales taxes for fire protection districts.

Was taken up by Senator Clemens.

On motion of Senator Clemens, **HB 1340** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green              Lembke—2

Absent with leave—Senator Keaveny—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1290**, with **SCS**, entitled:

An Act to repeal section 55.030, RSMo, and to enact in lieu thereof one new section relating to county auditors.

Was taken up by Senator Griesheimer.

**SCS** for **HCS** for **HB 1290**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1290

An Act to repeal section 55.030, RSMo, and to enact in lieu thereof two new sections relating to political subdivisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 1290** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HCS** for **HB 1290**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1290

An Act to repeal sections 48.020, 48.030, 49.310, 50.660, 52.290, 52.312, 52.361, 52.370, 54.010, 55.030, 55.140, 55.190, 67.110, 67.1000, 67.1360, 67.1361, 67.2000, 70.220, 94.900, 94.902, 115.305, 115.342, 115.346, 137.073, 137.180, 137.355, 138.431, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.170, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 165.071, 204.300, 204.472, 204.571, 250.233, 321.130, 321.711, 429.110, 473.739, and 473.742, RSMo, and to enact in lieu thereof seventy new sections relating to political subdivisions, with penalty provisions and an emergency clause for certain sections.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 1290** be adopted.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 123, Section 140.420, Line 21, by inserting after all of said line the following:

**“141.535. 1. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the court shall stay the sale of any tax parcel to be sold under execution of a tax foreclosure judgment obtained under this chapter, which is the subject of an action filed under sections 447.620 to 447.640, provided that the party which has brought such an action has paid into the circuit court the principal amount of all land taxes then due and owing under the tax foreclosure judgment, exclusive of penalties, interest, attorney fees, and court costs, prior to the date of any proposed sale under execution. The party bringing such action shall provide written notice of the filing of the action to the court administrator and file with the circuit court in which the action is pending a certificate that such notice has been provided to the court administrator.**

**2. Upon the granting by the court of temporary possession of any property under section 447.632 and again upon the approval by the court of a sheriff's deed under section 447.625, the circuit court shall direct payment to the county collector of all principal land taxes theretofore paid into the circuit court. In addition, in any order granting a sheriff's deed under section 447.625, the court shall also order the permanent extinguishment of liability against the grantee of the sheriff's deed, and all successors in interest; excepting however, any defendant in such action, for penalties, interest, attorney fees, and court costs arising from actions to collect delinquent land taxes due on the subject property. The funds paid into the court for land taxes shall then be paid to the county collector. If an owner of such a property moves the court for restoration of the subject property under section 447.638, the owner shall pay into the circuit court all land tax amounts currently due and owing on the property, including all statutory penalties, interest, attorney fees, and court costs retroactive to the date of accrual.**

**3. If the party which brought the action under sections 447.620 to 447.640 dismisses its action prior to gaining temporary possession of the property, it shall recover any amounts paid into the circuit court prior to that date for principal land taxes.**

**4. In the event that an owner of the tax parcel regains possession under section 447.638, the party**

**which brought the action under sections 447.620 to 447.640 shall recover from that owner an amount equal to that paid into the court by said party and paid to the county collector under this section, and shall be granted judgment thereon.”; and**

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 2:**

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 23, Section 67.314, Line 2, by inserting after all of said line the following:

“67.456. 1. The average maturity of bonds or notes issued under the neighborhood improvement district act after August 28, 2004, shall not exceed one hundred twenty percent of the average economic life of the improvements for which the bonds or notes are issued; **provided however, bonds for which an annual tax on all taxable tangible property has been approved by the voters and shall be collected to pay the interest and principal of such bonds, shall be retired within twenty years from the date contracted; provided further, bonds for which no annual tax on all taxable tangible property has been approved by the voters and shall not be collected to pay the interest and principal of the bonds, shall be retired within the greater of one hundred twenty percent of the average economic life of the improvements or thirty years from the date contracted. For purposes of calculating the average maturity of bonds, the average economic life of an improvement shall be certified by a professional engineer licensed pursuant to chapter 327.**

2. Any improvement for which a petition is filed or an election is held under section 67.457 after August 28, 2004, including improvements to or located on property owned by a city or county, shall include provisions for maintenance of the project during the term of the bonds or notes.

3. In the event that, after August 28, 2004, any parcel of property within the neighborhood improvement district is divided into more than one parcel of property after the final costs of the improvement are assessed, all unpaid final costs of the improvement assessed to the original parcel that was divided shall be recalculated and reassessed proportionally to each of the parcels resulting from the division of the original parcel, based on the assessed valuation of each resulting parcel. No parcel of property which has had the assessment against it paid in full by the property owner shall be reassessed under this section. No parcel of property shall have the initial assessment against it changed, except for any changes for special, supplemental, or additional assessments authorized under the state neighborhood improvement district act.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Rupp offered **SA 3:**

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 6, Section 49.310, Line 9 of said page, by inserting immediately after said line the

following:

“50.622. Any county may amend the annual budget during any fiscal year in which the county receives additional funds **or a decrease in funds**, and such amount or source, including but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Callahan assumed the Chair.

Senator Barnitz offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 1, Section 50.622, Line 11, by inserting after the word “year.” the following:

**“If a county amends the annual budget during any fiscal year in which the county receives a decrease in funds, any amendments to the annual budget that are made by the county commission shall be in an equal percentage to all elected officials' budgets.”.**

Senator Barnitz moved that the above amendment be adopted.

At the request of Senator Barnitz, **SA 1** to **SA 3** was withdrawn.

**SA 3** was again taken up.

At the request of Senator Griesheimer, **HCS** for **HB 1290**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

**HCS** for **HB 2297**, with **SCS**, entitled:

An Act to amend chapter 184, RSMo, by adding thereto five new sections relating to the establishment of the Kansas City zoological district.

Was taken up by Senator Wilson.

**SCS** for **HCS** for **HB 2297**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2297

An Act to amend chapter 184, RSMo, by adding thereto five new sections relating to the establishment of the Kansas City zoological district.

Was taken up.

Senator Wilson moved that **SCS** for **HCS** for **HB 2297** be adopted.

Senator Ridgeway offered **SA 1**, which was read:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, Page 3, Section 184.503, Line 30, by inserting immediately after all of said line the following:

**“Provisions of this section to the contrary notwithstanding, no tax authorized under the provisions of this section shall be effective in any eligible noncharter county unless the tax authorized under the provisions of this section is imposed by an eligible charter county.”.**

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, Page 1, In the Title, Line 2, by striking the word “the” at the end of said line; and further amend line 3, by striking all of said line and inserting in lieu thereof the following: “zoological districts.”; and

Further amend said bill and page, section A, line 3, by inserting immediately after said line the following:

“184.362. The use and enjoyment of such institutions and places, museums and parks of any and all of the subdistricts established under sections 184.350 to 184.384 shall be forever free **to residents of the district** and open to the public at such times as may be provided by the reasonable rules and regulations adopted by the respective commissions in order to render the use of the said subdistrict's facilities of the greatest benefit and efficiently to the greatest number. **Upon application of a subdistrict established under sections 184.350 to 184.384, or in the case of a subdistrict which contracts with another person for provision of services authorized by this chapter, upon application of both the subdistrict and any person with whom the subdistrict contracts, and upon majority vote by the district board, a fee may be charged upon nonresidents of the district for admission to such institutions, places, museums, and parks of any of the subdistricts or of any person with whom the commissioners of any of the subdistricts contract. The respective commissions may, upon a majority vote of such commission, provide for exemptions from any fee for admission, to institutions, places, museums, and parks of such commission, adopted by the district board under the provisions of this section.** The respective commissions may exclude from the use of the said facilities any and all persons who willfully violate such rules. In addition said commission shall make and adopt such bylaws, rules and regulations for its own guidance and for the election of its members and for the administration of the subdistrict as it may deem expedient and as may not be inconsistent with the provisions of the law. The respective commissions **and any person with whom the commissioners of a subdistrict may contract, may [contract] enter into contracts** for, or exact, a charge from any person in connection with the use, enjoyment, purchase, license or lease of any property, facility, activity, exhibit, function, or personnel of the respective subdistricts **or of any person with whom the commissioners of any subdistrict may contract.** Said commission shall have exclusive control of the expenditures of all moneys collected by the district to the credit of the subdistrict's fund. The commission of any subdistrict established by the voters under the authority of section 184.350 shall have exclusive control of the construction and maintenance of any subdistrict buildings built or maintained in whole or in part with moneys of said fund and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for the purposes of the subdistrict under the authority conferred in this law. The commission of any subdistrict established by the voters under the

authority of section 184.350 shall have the power to appoint a director and necessary assistants, to fix their compensation and shall also have power to remove such appointees. All employees, appointees and officers of publicly owned and operated museums and zoological parks shall on the establishment of a subdistrict related thereto become employees of the subdistrict and such appointees' and employees' seniority, pension, salaries, wages and fringe benefits shall be equal to or better than that existing at the time of the establishment of the subdistrict insofar as may be possible. The respective commissions shall whenever the need arises transmit to the district a complete survey and report of the subdistrict's need for construction, reconstruction and repair of improvements, buildings and other facilities and shall include all information and data necessary for the purpose of ascertaining the cost of such improvements and shall further certify to the district the need for incurring additional indebtedness as provided in sections 184.364 to 184.376 herein.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Wilson moved that **SCS** for **HCS** for **HB 2297**, as amended, be adopted, which motion prevailed.

On motion of Senator Wilson, **SCS** for **HCS** for **HB 2297**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Days	Engler	Goodman
Griesheimer	Justus	Lager	Mayer	McKenna	Nodler	Pearce	Ridgeway
Schaefer	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—23	

NAYS—Senators

Crowell	Cunningham	Lembke	Purgason	Rupp	Wright-Jones—6
---------	------------	--------	----------	------	----------------

Absent—Senators

Dempsey	Green	Schmitt—3
---------	-------	-----------

Absent with leave—Senator

Bartle	Keaveny—2
--------	-----------

Vacancies—None

The President declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

President Pro Tem Shields assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 969**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HBs 1311** and **1341**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Callahan assumed the Chair.

### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 27, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David Elan Simckes, 139 Ladue Oaks Drive, Creve Coeur, Saint Louis County, Missouri 63141, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2013, and until his successor is duly appointed and qualified; vice, RSMo 191.305.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointment to the Committee on Gubernatorial Appointments.

### REFERRALS

President Pro Tem Shields referred **HCS** for **HBs 1311** and **1341**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

### RE-REFERRALS

President Pro Tem Shields re-referred **HCS** for **HBs 1524** and **2260** to the Committee on Veterans' Affairs, Pensions and Urban Affairs.

### HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**HB 2252**—Governmental Accountability and Fiscal Oversight.

**HCS** for **HB 2058**—General Laws.

**HJR 62**—General Laws.

### RESOLUTIONS

Senator Justus offered Senate Resolution No. 2314, regarding Alex Johnson, which was adopted.

Senator Justus offered Senate Resolution No. 2315, regarding Catherine Schario, which was adopted.

Senator Justus offered Senate Resolution No. 2316, regarding Justin Andrew Mohn, which was adopted.

Senator Engler offered Senate Resolution No. 2317, regarding Janice “Susie” Rohrer, which was adopted.

Senator Engler offered Senate Resolution No. 2318, regarding Jerome N. Watson, which was adopted.

Senator Engler offered Senate Resolution No. 2319, regarding Susan Webb, which was adopted.

Senator Engler offered Senate Resolution No. 2320, regarding Paige Reid, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 2321, regarding Darla Kopp, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 2322, regarding Martha Kay Giessing, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 2323, regarding Mary Jo Lamping, which was adopted.

Senator Engler offered Senate Resolution No. 2324, regarding Sandra Cooseman, which was adopted.

Senator Engler offered Senate Resolution No. 2325, regarding Nancy L. Grahm, which was adopted.

Senator Engler offered Senate Resolution No. 2326, regarding Mona G. Hunt, which was adopted.

Senator Engler offered Senate Resolution No. 2327, regarding Nancy Rouggy, which was adopted.

On motion of Senator Engler, the Senate recessed until 2:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

### **RESOLUTIONS**

Senator Pearce offered Senate Resolution No. 2328, regarding the Warrensburg Middle School eighth-grade Peer Helpers, Conflict Mediators and Magic Me, which was adopted.

Senator Lager offered Senate Resolution No. 2329, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Crookshanks, Meadville, which was adopted.

Senator Lager offered Senate Resolution No. 2330, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Albertson, Big Lake, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Schmitt moved that **SCR 56** be taken up for adoption, which motion prevailed.

On motion of Senator Schmitt, **SCR 56** was adopted by the following vote:

#### **YEAS—Senators**

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer



Stouffer            Vogel            Wilson            Wright-Jones—28

NAYS—Senators  
Bray            Justus—2

Absent—Senators  
Green            Scott—2

Absent with leave—Senators  
Bartle            Keaveny—2

Vacancies—None

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 57**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

### SENATE BILLS FOR PERFECTION

Senator Lembke moved that **SB 818**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 818** was again taken up.

Senator Lembke offered **SS** for **SCS** for **SB 818**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 818

An Act to repeal sections 116.010, 116.090, 116.190, and 116.332, RSMo, and to enact in lieu thereof four new sections relating to initiative and referendum petitions, with penalty provisions.

Senator Lembke moved that **SS** for **SCS** for **SB 818** be adopted.

Senator Dempsey offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 818, Page 7, Section 116.332, Line 15, by inserting immediately after said line, the following:

**“Section 1. Petition circulators shall deliver to each person signing the petition, a copy of the full and correct text of the proposed measure.”; and**

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted.

At the request of Senator Lembke, **SB 818**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on

the Informal Calendar.

### HOUSE BILLS ON THIRD READING

Senator Griesheimer moved that **HCS** for **HB 1290**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 3** was again taken up.

Senator Griesheimer offered **SSA 1** for **SA 3**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 6, Section 49.310, Line 9 of said page, by inserting immediately after said line the following:

“50.622. 1. Any county may amend the annual budget during any fiscal year in which:

(1) The county receives additional funds, and such amount or source, including but not limited to[,] federal or state grants or private donations, could not be estimated **or anticipated** when the budget was adopted; **or**

(2) **The county experiences a verifiable decline in funds, and such amount or source, including but not limited to federal or state grants or private donations, could not be estimated or anticipated when the budget was adopted; provided that, any decrease in appropriations shall be allocated among the county departments, offices, institutions, commissions, and boards in a fair and equitable manner under all the circumstances, and shall not unduly affect any one department, office, institution, commission, or board.**

**2. Any decrease in an appropriation authorized under subdivision (2) of subsection 1 of this section shall not impact any dedicated fund otherwise provided by law.**

**3. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this section.**

**4. The provisions of this section shall expire August 28, 2014.”; and**

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above substitute amendment be adopted, which motion failed.

Senator Dempsey assumed the Chair.

**SA 3** was again taken up.

Senator Griesheimer offered **SA 2** to **SA 3**, which was read:

#### SENATE AMENDMENT NO. 2 TO SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 1, Section 50.622, Line 4 of said amendment page, by

inserting immediately after “50.622.” the following: “**1.**”; and further amend said amendment, Line 11, by inserting after “year.” the following:

**“2. The provisions of this section shall expire August 28, 2014.”.**

Senator Griesheimer moved that the above amendment be adopted, which motion failed.

**SA 3** was again taken up.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 49, Section 67.2725, Line 15 of said page, by inserting immediately after said line the following:

“68.025. 1. Every local and regional port authority, approved as a political subdivision of the state, shall have the following powers to:

(1) Confer with any similar body created under laws of this or any other state for the purpose of adopting a comprehensive plan for the future development and improvement of its port districts;

(2) Consider and adopt detailed and comprehensive plans for future development and improvement of its port districts and to coordinate such plans with regional and state programs;

**(3) Establish a port improvement district in accordance with this chapter;**

**(4) Carry out any of the projects enumerated in subdivision (16) of section 68.305;**

**(5) Within the boundaries of any established port improvement district, to levy either a sales and use tax or a real property tax, or both, for the purposes of paying any part of the cost of a project benefitting property in a port improvement district, except that no port improvement district real property tax shall be levied on any property, real or personal, that is assessed under chapter 151 unless such real property tax levy is agreed to in writing by the party responsible for the taxes;**

**(6) Pledge both revenues generated by any port improvement district and any other port authority revenue source to the repayment of any outstanding obligations;**

(7) Either jointly with a similar body, or separately, recommend to the proper departments of the government of the United States, or any state or subdivision thereof, or to any other body, the carrying out of any public improvement for the benefit of its port districts;

[(4)] **(8) Provide for membership in any official, industrial, commercial, or trade association, or any other organization concerned with such purposes, for receptions of officials or others as may contribute to the advancement of its port districts and any industrial development therein, and for such other public relations activities as will promote the same, and such activities shall be considered a public purpose;**

[(5)] **(9) Represent its port districts before all federal, state and local agencies;**

[(6)] **(10) Cooperate with other public agencies and with industry, business, and labor in port district improvement matters;**

[(7)] **(11) Enter into any agreement with any other states, agencies, authorities, commissions,**

municipalities, persons, corporations, or the United States, to effect any of the provisions contained in this chapter;

[(8)] (12) Approve the construction of all wharves, piers, bulkheads, jetties, or other structures;

[(9)] (13) Prevent or remove, or cause to be removed, obstructions in harbor areas, including the removal of wrecks, wharves, piers, bulkheads, derelicts, jetties or other structures endangering the health and general welfare of the port districts; in case of the sinking of a facility from any cause, such facility or vessel shall be removed from the harbor at the expense of its owner or agent so that it shall not obstruct the harbor;

[(10)] (14) Recommend the relocation, change, or removal of dock lines and shore or harbor lines;

[(11)] (15) Acquire, own, construct, redevelop, lease, maintain, and conduct land reclamation and resource recovery [with respect to unimproved land], **including the removal of sand, rock, or gravel**, residential developments, commercial developments, mixed-use developments, recreational facilities, industrial parks, industrial facilities, and terminals, terminal facilities, warehouses and any other type port facility;

[(12)] (16) Acquire, own, lease, sell or otherwise dispose of interest in and to real property and improvements situate thereon and in personal property necessary to fulfill the purposes of the port authority;

[(13)] (17) Acquire rights-of-way and property of any kind or nature within its port districts necessary for its purposes. Every port authority shall have the right and power to acquire the same by purchase, negotiation, or by condemnation, and should it elect to exercise the right of eminent domain, condemnation proceedings shall be maintained by and in the name of the port authority, and it may proceed in the manner provided by the laws of this state for any county or municipality. The power of eminent domain shall not apply to property actively being used in relation to or in conjunction with river trade or commerce, unless such use is by a port authority pursuant to a lease in which event the power of eminent domain shall apply;

[(14)] (18) Contract and be contracted with, and to sue and be sued;

[(15)] (19) Accept gifts, grants, loans or contributions from the United States of America, the state of Missouri, political subdivisions, municipalities, foundations, other public or private agencies, individual, partnership or corporations;

[(16)] (20) Employ such managerial, engineering, legal, technical, clerical, accounting, advertising, stenographic, and other assistance as it may deem advisable. The port authority may also contract with independent contractors for any of the foregoing assistance;

[(17)] (21) Improve navigable and nonnavigable areas as regulated by federal statute;

[(18)] (22) Disburse funds for its lawful activities and fix salaries and wages of its employees; and

[(19)] (23) Adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted; however, said bylaws, rules and regulations shall not exceed the powers granted to the port authority by this chapter.

2. In implementing its powers, the port authority shall have the power to enter into agreements with private operators or public entities for the joint development, redevelopment, and reclamation of property within a port district or for other uses to fulfill the purposes of the port authority.

68.035. 1. The state may make grants to a state port fund, as appropriated by the general assembly, to be allocated by the department of transportation to local port authorities or regional port coordinating

agencies. These grants, administered on a nonmatching basis, could be used for managerial, engineering, legal, research, promotion, planning and any other expenses.

2. In addition the state may make capital improvement matching grants contributing eighty percent of the funds and local port authorities contributing twenty percent of the funds for specific [projects] **undertakings** of port development such as land acquisitions, construction, terminal facility development, **port improvement projects**, and other related port facilities. **Notwithstanding the foregoing, any matching grants awarded by the Missouri highways and transportation commission under the port capital improvement program shall be transportation related.**

3. The grants provided herein may be used as the local share in applying for other grant programs.

68.040. 1. Every local and regional port authority, approved as a political subdivision of the state, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction of port facilities **and the financing of port improvement projects**; establish reserves to secure such bonds and notes; and make other expenditures, incident and necessary to carry out its purposes and powers.

2. This state shall not be liable on any notes or bonds of any port authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

3. No commissioner of any port authority or any authorized person executing port authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

4. The notes and bonds of every port authority are securities in which all public officers and bodies of this state and all political subdivisions and municipalities, all insurance companies and associations, and other persons carrying on an insurance business, all banks, trust companies, saving associations, savings and loan associations, credit unions, investment companies, all administrators, guardians, executors, trustees, and other fiduciaries, and all other persons whatsoever, who now or may hereafter, be authorized to invest in notes and bonds or other obligations of this state, may properly and legally invest funds, including capital, in their control or belonging to them.

5. No port authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every port authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers.

6. Every port authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, RSMo, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they are consistent with the necessary and proper undertaking of its purposes.

68.070. [If, at any time] **Provided a local or regional port authority has no outstanding obligations**, the legislative body or county commission of a city or county, in which a local port authority is situated, votes, by majority, to dissolve said port authority, the local port authority shall be dissolved effective the date of approval of the dissolution by the highways and transportation commission of the state. If, at any time, all of the legislative bodies or county commissions of members of a regional port authority vote, by majority, to dissolve the regional port authority, it shall be dissolved effective the date of the approval of dissolution by the highways and transportation commission of the state. In the event of dissolution of a local

or regional port authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis.

**68.300. Sections 68.300 to 68.360 shall be known and may be cited as the “Port Improvement District Act.”**

**68.305. As used in sections 68.300 to 68.360, unless the context clearly requires otherwise, the following terms shall mean:**

- (1) “Act”, the port improvement district act, sections 68.300 to 68.360;**
- (2) “Approval”, for purposes of elections under this act, a simple majority of those qualified voters casting votes in any election;**
- (3) “Board”, the board of port authority commissioners for the particular port authority that desires to establish or has established a district;**
- (4) “Director of revenue”, the director of the department of revenue of the state of Missouri;**
- (5) “District” or “port improvement district”, an area designated by the port authority which is located within its port district boundaries at the time of establishment;**
- (6) “Disposal of solid waste or sewage”, the entire process of storage, collection, transportation, processing, and disposal of solid wastes or sewage;**
- (7) “Election authority”, the election authority having jurisdiction over the area in which the boundaries of the district are located under chapter 115;**
- (8) “Energy conservation”, the reduction of energy consumption;**
- (9) “Energy efficiency”, the increased productivity or effectiveness of the use of energy resources, the reduction of energy consumption, or the use of renewable energy sources;**
- (10) “Obligations”, revenue bonds and notes issued by a port authority and any obligations for the repayment of any money obtained by a port authority from any public or private source along with any associated financing costs, including, but not limited to, the costs of issuance, capitalized interest, and debt service;**
- (11) “Owner”, the individual or individuals or entity or entities who own a fee interest in real property that is located within the boundaries of a district based upon the recorded real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to any action;**
- (12) “Petition”, a petition to establish a port improvement district within the port district boundaries or a petition to make a substantial change to an existing district;**
- (13) “Pollution”, the existence of any noxious substance in the air or waters or on the lands of the state in sufficient quantity and of such amounts, characteristics, and duration as to injure or harm the public health or welfare or animal life or property;**
- (14) “Port authority”, a political subdivision established under this chapter;**
- (15) “Port district boundaries”, the boundaries of any port authority on file with the clerk of the county commission, city clerk, or clerk of the legislative or governing body of the county as applicable, which became effective upon approval by the highways and transportation commission of the state**

of Missouri;

(16) “Project” or “port improvement project”, with respect to any property within a port improvement district, or benefitting property within a port improvement district:

(a) Providing for, or contracting for the provision of, environmental cleanup, including the disposal of solid waste, services to brownfields, or other polluted real property;

(b) Providing for, or contracting for the provision of, energy conservation or increased energy efficiency within any building, structure, or facility;

(c) Providing for, or contracting for the provision of, wetland creation, preservation, or relocation;

(d) The construction of any building, structure, or facility determined by the port authority as essential in developing energy resources, preventing, reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;

(e) Modifications to, or the relocation of, any existing building, structure, or facility that has been acquired or constructed, or which is to be acquired or constructed for the purpose of developing energy resources, preventing, reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;

(f) The acquisition of real property determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(g) The operation, maintenance, repair, rehabilitation, or reconstruction of any existing public or private building, structure, or facility determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(h) The construction of any new building, structure, or facility that is determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(17) “Qualified project costs”, include any and all reasonable costs incurred or estimated to be incurred by a port authority, or a person or entity authorized by a port authority, in furtherance of a port improvement project, which costs may include, but are not limited to:

(a) Costs of studies, plans, surveys, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, research, marketing, financial, planning, consulting, and special services, including professional service costs necessary or incident to determining the feasibility or practicability of any project and carrying out the same;

(c) Administrative fees and costs of a port authority in carrying out any of the purposes of this act;

(d) Property assembly costs, including, but not limited to, acquisition of land and other property and improvements, real or personal, or rights or interests therein, demolition of buildings and structures, and the clearing or grading of land, machinery, and equipment relating to any project, including the cost of demolishing or removing any existing structures;

(e) Costs of operating, rehabilitating, reconstructing, maintaining, and repairing existing

**buildings, structures, or fixtures;**

**(f) Costs of constructing new buildings, structures, or fixtures;**

**(g) Costs of constructing, operating, rehabilitating, reconstructing, maintaining, and repairing public works or improvements;**

**(h) Financing costs, including, but not limited to, all necessary and incidental expenses related to the port authority's issuance of obligations, which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;**

**(i) All or a portion of the port authority's capital costs resulting from a port improvement project necessarily incurred or to be incurred in furtherance of a port improvement project, to the extent the port authority accepts and approves such costs; and**

**(j) Relocation costs, to the extent that a port authority determines that relocation costs shall be paid, or are required to be paid, by federal or state law;**

**(18) “Qualified voters”, for the purposes of an election for the approval of a real property tax or a sales and use tax:**

**(a) Registered voters residing within the district; or**

**(b) If no registered voters reside within the district, the owners of one or more parcels of real property within the district, which would be subject to such real property taxes or sales and use taxes, as applicable, based upon the recorded real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;**

**(19) “Registered voters”, persons who reside within the district and who are qualified and registered to vote under chapter 115, as determined by the election authority as of the thirtieth day prior to the date of the applicable election;**

**(20) “Respondent”, the Missouri highways and transportation commission, each property owner within the proposed district, the municipality or municipalities within which the proposed district is located, the county or counties within which the proposed district is located, and any other political subdivision within the boundaries of the proposed port improvement district, except the petitioning port authority;**

**(21) “Revenues”, all rents, revenues from any levied real property tax and sales and use tax, charges and other income received by a port authority in connection with any project, including any gift, grant, loan, or appropriation received by the port authority with respect thereto;**

**(22) “Substantial changes”, with respect to an established port improvement district, the addition or removal of real property to or from the port improvement district and any changes to the approved district funding mechanism; and**

**(23) “Water facilities”, any facilities for the furnishing and treatment of water for industrial, commercial, agricultural, or community purposes including, but not limited to, wells, reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds, storm sewers, storm water detention and retention facilities, and related equipment and machinery.**

**68.310. 1. A port authority may establish one or more port improvement districts within its port**



**district boundaries for the purpose of funding qualified project costs associated with an approved port improvement project. However, in any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants a port improvement district shall only be established within five thousand feet of the center of the Missouri River. Notwithstanding any provision of sections 68.300 to 68.360 to the contrary, a port authority district shall not have the authority to establish any port improvement district located within any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants. In order to form a district or to make substantial changes to an existing district, the board shall:**

**(1) Draft a petition in accordance with subsection 2 of this section;**

**(2) Hold a public hearing in accordance with section 68.315;**

**(3) Subsequent to the public hearing, approve by resolution the draft petition containing any approved changes and amendments deemed necessary or desirable by a majority of the board members;**

**(4) File the approved draft petition in the circuit court of the county where the port improvement district is located, requesting the creation of a port improvement district in accordance with sections 68.300 to 68.360; and**

**(5) Within thirty days of the circuit court's certification of the petition and establishment of the district, file a copy of the board's resolution approving the petition, the certified petition, and the circuit court judgment certifying the petition and establishing the district with the Missouri highways and transportation commission.**

**2. A petition is proper for consideration and approval by the board and the circuit court if, at the time of such approval, it has been signed by property owners collectively owning more than sixty percent per capita of all owners of real property within the boundaries of the proposed district and contains the following information:**

**(1) The legal description of the proposed district, including a map illustrating the legal boundaries. The proposed district shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements or rights-of-way, or connected by a single public street, easement, or right-of-way shall be considered contiguous;**

**(2) A district name designation which shall be set out in the following format:**

**(a) The name of the Missouri county or municipality in which the port district boundaries are filed;**

**(b) The words "port improvement district"; and**

**(c) The district designation number, beginning at 1 for the first district formed by that specific port authority, and progressing consecutively upward, irrespective of the year established;**

**(3) A description of the proposed project or projects for which the district is being formed, and the estimated qualified project costs of such projects;**

**(4) The maximum rate or rates and duration of any proposed real property tax or sales and use tax, or both, as applicable, needed to fund the project;**

**(5) The estimated revenues projected to be generated by any such tax or taxes;**

**(6) The name and address of each respondent;**

**(7) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable;**

**(8) A request that the circuit court certify the projects under the act, approve the proposed real property tax or sales and use tax, or both, as applicable, and establish the district.**

**68.315. 1.** Not more than ten days prior to the submission of the petition to the circuit court, the port authority shall hold or cause to be held a public hearing on the proposed project or projects, proposed real property tax or sales and use tax, or both, as applicable, and the establishment of the proposed district and shall give notice of the public hearing in the manner provided in subsection 3 of this section. All reasonable protests, objections, and endorsements shall be heard at the public hearing.

**2.** The public hearing may be continued to another date without further notice other than a motion to be entered on the official port authority meeting minutes fixing the date, time, and place of the continuance of the public hearing.

**3.** Notice shall be provided by both publication and mailing. Notice by publication shall be given by publication in a newspaper of general circulation within the municipality or county in which the port authority is located at least once not more than fifteen, but not less than ten, days prior to the date of the public hearing. Notice by mail shall be given not more than thirty, but not less than twenty, days prior to the date of the public hearing by sending the notice via registered or certified United States mail with a return receipt attached to the address of record of each owner within the boundaries of the proposed district. The published and mailed notices shall include the following:

**(1) The date, time, and place of the public hearing;**

**(2) A statement that a petition for the establishment of a district has been drafted for public hearing by the board;**

**(3) The boundaries of the proposed district by street location, or other readily identifiable means if no street location exists, and a map illustrating the proposed boundaries;**

**(4) A brief description of the projects proposed to be undertaken, the estimated cost thereof, and the proposed method of financing such costs by a real property tax or sales and use tax, or both, as applicable;**

**(5) A statement that a copy of the petition is available for review at the office of the port authority during regular business hours;**

**(6) The address of the port authority's office; and**

**(7) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.**

**68.320. 1.** Within thirty days after the petition is filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the

proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. The respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the petition. Any resident or taxpayer within the proposed district not qualifying as a respondent may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk under section 68.325.

2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or in part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. The court shall then certify the single question regarding the proposed real property tax or sales and use tax, or both, as applicable, needed to fund the project for voter approval. If no objections to the petition are timely filed, the court may make such certifications based upon the pleadings before it without any hearing.

3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory judgment in the same manner provided for other appeals.

68.325. The circuit court clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

#### NOTICE OF PETITION TO CREATE A PORT IMPROVEMENT DISTRICT

Notice is hereby given to all persons residing or owning property in ..... (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that a port improvement district by the name of “..... Port District No. ....” be formed for the purpose of developing the following projects: (here summarize the proposed project or projects). A copy of this petition is on file and available at the office of the clerk of the circuit court of ..... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the port improvement district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20..... You may show cause, if any, why such petition is defective or proposed port improvement district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be approved as directed by this court.

.....

Clerk of the Circuit Court of ..... County

68.330. 1. Upon the port authority's own initiative, and after proper notice being provided and a public hearing being conducted in accordance with subsection 2 of this section, any district may be terminated by a resolution of the board, provided that there are no outstanding obligations secured

in any way by district revenues produced from such district. A copy of such resolution shall be filed with the Missouri highways and transportation commission within thirty days of its passage.

2. The public hearing required by this section shall be held and notice of such public hearing shall be given in the manner set forth in section 68.315. The notice shall contain the following information:

- (1) The date, time, and place of the public hearing;
- (2) A statement that the port authority proposes a resolution terminating the district; and
- (3) A statement that all interested parties will be given an opportunity to be heard.

3. Notwithstanding the requirements of this section, if the port authority that has formed the district is dissolved in accordance with this chapter, the district shall automatically be terminated, and any taxes levied shall simultaneously be repealed, except that this subsection shall not apply in such instance when a local port authority is dissolved under subsection 6 of section 68.060 in order to consolidate into a regional port authority.

68.335. 1. For the purposes of providing funds to pay all, or any portion of, the qualified project costs associated with any approved project, subsequent to the establishment of a district under this act, and subsequent to the circuit court's certification of a question regarding any proposed real property tax needed to fund a project, a port authority may levy by resolution a tax upon real property within the boundaries of the district; provided however, no such resolution shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election conducted in accordance with section 68.355, the circuit court's certified question regarding such proposed real property tax. If a majority of the votes cast by the qualified voters voting on the proposed real property tax are in favor of the tax, then the resolution shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the real property tax, then the resolution seeking to levy the real property tax shall be deemed to be null and void on the date on which the election may no longer be challenged under section 68.355. The port authority may levy a real property tax rate lower than the tax rate ceiling approved by the qualified voters under subsection 1 of this section and may, by resolution, increase that lowered tax rate to a level not exceeding the tax rate ceiling without approval of the qualified voters.

2. The ballot shall be substantially in the following form:

“Shall the ..... (insert name of district) impose a real property tax upon (all real property) within the district at a rate of not more than ..... (insert amount) dollars per hundred dollars assessed valuation for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of project or projects) in the district?”

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.”

3. A port authority may repeal or amend by resolution any real property tax imposed under this section before the expiration date of such real property tax unless the repeal or amendment of such real property tax will impair the port authority's ability to repay any obligations the port authority has incurred to pay any part of the cost of a port improvement project.

**4. All property, real and personal, assessed under sections 151.010 to 151.340 is hereby specifically exempted from taxes levied, assessed, or payable under this section unless such real property tax levy is agreed to in writing by the property's owner.**

**68.340. 1. The county collector of each county in which the district is located, or the collector for the city in which the district is located if the district is located in a city not within a county, shall collect the real property tax made upon all real property within that county and district, in the same manner as other real property taxes are collected.**

**2. Every county or municipal collector and treasurer having collected or received district real property taxes shall, on or before the fifteenth day of each month and after deducting the reasonable and actual cost of such collection but not to exceed one percent of the total amount collected, remit to the port authority the amount collected or received by the port authority prior to the first day of such month. Upon receipt of such money, the port authority shall execute a receipt therefor, which shall be forwarded or delivered to the county collector or city treasurer who collected such money. The port authority shall deposit such sums which are designated for a specific project into a special trust fund to be expended solely for such purpose, or to the port authority treasury if such sums are not designated. The county or municipal collector or treasurer, and port authority shall make final settlement of the port authority account and costs owing, not less than once each year, if necessary.**

**3. Upon the expiration of any real property tax adopted under this section which is designated for a specific project, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the ballot adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the port authority under applicable laws relating to the investment of other port authority funds and the port authority may use such funds for other approved port improvement projects.**

**68.345. 1. For the purposes of providing funds to pay all, or any portion of, the qualified project costs associated with any approved project, subsequent to the establishment of a district under this act, and subsequent to the circuit court's certification of a question regarding any proposed sales and use tax needed to fund a project, a port authority may levy by resolution a district wide sales and use tax on all retail sales made in such district which are subject to taxation under sections 144.010 to 144.525, except sales of motor vehicles, trailers, boats or outboard motors, and sales to or from public utilities. Any sales and use tax imposed under this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent; except that, no resolution adopted under this section shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election conducted in accordance with section 68.350, the circuit court's certified question regarding such proposed sales and use tax. If a majority of the votes cast by the qualified voters on the proposed sales and use tax are in favor of the sales and use tax, then the resolution shall become effective. If a majority of the votes cast by the qualified voters are opposed to the sales and use tax, then the resolution seeking to levy the sales and use tax shall be deemed null and void on the date on which the election may no longer be challenged under section 68.355.**

**2. The ballot shall be substantially in the following form:**

**“Shall the ..... (insert name of district) impose a district wide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for**

..... (insert general description of project or projects)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.”

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the port authority shall, in accordance with section 32.087, notify the director of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of such sales and use tax.

4. The director of revenue shall collect any sales and use tax adopted under this section and section 32.087.

5. In each district in which a sales and use tax is imposed under this section, every retailer shall add such additional tax imposed by the port authority to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

7. All revenue received by the port authority from a sales and use tax imposed under this section which is designated for a specific project shall be deposited into a special trust fund to be expended solely for such purpose, or to the port authority's treasury if such sums are not designated. Upon the expiration of any sales and use tax adopted under this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the ballot adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the port authority under applicable laws relating to the investment of other port authority funds and the port authority may use such funds for other approved port improvement projects.

8. A port authority may repeal by resolution any sales and use tax imposed under this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the port authority's ability to repay, or unless the sales and use tax in any way secure any outstanding obligations the port authority has incurred to pay any part of the qualified project costs of any approved port improvement project.

68.350. 1. Notwithstanding the provisions of chapter 115, except the provisions of section 115.125, when applicable, an election for any proposed real property tax or proposed sales and use tax, or both, within a district under this act shall be conducted in accordance with the provisions of this section.

2. After the board has passed a resolution approving the levy of a real property tax or a sales and use tax, or both, the board shall provide written notice of such resolution, along with the circuit court's certified question regarding the real property tax or the sales and use tax, or both, as applicable, to the election authority. The board shall be entitled to repeal or amend such resolution provided that written notice of such repeal or amendment is delivered to the election authority prior to the date that the election authority mails the ballots to the qualified voters.

3. Upon receipt of written notice of a port authority's resolution, along with the circuit court's

certified question, for the levy of a real property tax or a sales and use tax, or both, the election authority shall:

(1) Specify a date upon which the election shall occur, which date shall be a Tuesday and shall be, unless otherwise approved by the board, election authority, and applicable circuit court under section 115.125, not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date the board passes the resolution and shall not be on the same day as an election conducted under the provisions of chapter 115;

(2) Publish notice of the election in a newspaper of general circulation within the municipality two times. The first publication date shall be not more than forty-five, but not less than thirty-five, days prior to the date of the election, and the second publication date shall be not more than twenty, and not less than ten, days prior to the date of the election. The published notice shall include, but not be limited to, the following information:

(a) The name and general boundaries of the district;

(b) The type of tax proposed (real property tax or sales and use tax or both), its rate or rates, and its purpose or purposes;

(c) The date the ballots for the election shall be mailed to qualified voters;

(d) The date of the election;

(e) The applicable definition of qualified voters;

(f) A statement that persons residing in the district shall register to vote with the election authority on or before the thirtieth day prior to the date of the election in order to be a qualified voter for purposes of the election;

(g) A statement that the ballot must be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked, not later than the date of the election; and

(h) A statement that any qualified voter that did not receive a ballot in the mail or lost the ballot received in the mail may pick up a mail-in ballot at the election authority's office, specifying the dates and time such ballot will be available and the location of the election authority's office;

(3) The election authority shall mail the ballot, a notice containing substantially the same information as the published notice, and a return addressed envelope directed to the election authority's office with a sworn affidavit on the reverse side of such envelope for the qualified voter's signature to each qualified voter not more than fifteen days and not less than ten days prior to the date of the election. For purposes of mailing ballots to real property owners, only one ballot shall be mailed per capita at the address shown on the official or recorded real estate records of the county recorder or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to the date of the election. Such affidavit shall be in substantially the following form:

**FOR REGISTERED VOTERS:**

I hereby declare under penalties of perjury that I reside in the ..... Port Improvement District No. .... (insert name of district) and I am a registered voter and qualified

to vote in this election.

.....

**Qualified Voter's Signature**

.....

**Printed Name of Qualified Voter**

**FOR REAL PROPERTY OWNERS:**

I hereby declare under penalty of perjury that I am the owner of real property in the ..... Port Improvement District No. .... (insert name of district) and qualified to vote in this election, or authorized to affix my signature on behalf of the owner (named below) of real property in the ..... Port Improvement District No. .... (insert name of district) which is qualified to vote in this election.

.....

**Signature**

.....

**Print Name of Real Property Owner**

**If Signer is Different from Owner:**

**Name of Signer:** .....

**State Basis of Legal Authority to Sign:** .....

All persons or entities having a fee ownership in the property shall sign the ballot. Additional signature pages may be affixed to this ballot to accommodate all required signatures.

4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the authorized signature.

5. Mail-in ballots shall be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked no later than the date of the election. The election authority shall transmit all voted ballots to a team of judges of not less than four. The judges shall be selected by the election authority from lists it has compiled. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the election authority. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115.

6. The results of the election shall be entered upon the records of the election authority and two certified copies of the election results shall be filed with the port authority and entered upon the records of the port authority.

7. The port authority shall reimburse the election authority for the costs it incurs to conduct an election under this section.

8. Notwithstanding anything to the contrary, nothing in this act shall prevent a port authority from proposing both a real property tax levy question and a sales and use tax levy question to the



district's qualified voters in the same election.

**68.355.** No lawsuit to set aside a district established or a tax levied under this act, or to otherwise question the validity of the proceedings related thereto, shall be brought after the expiration of ninety days from the effective date of the circuit court judgment establishing such district in question or the effective date of the resolution levying such tax in question.

**68.359.** Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 68.025 to 68.360 shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of sections 68.025 to 68.360.

**68.360. 1.** The provisions of this section shall only apply to a port authority that has formed a district.

**2.** In addition to any other report required of a port authority, within one hundred twenty days following the last day of the port authority's fiscal year, the board shall submit a report to the clerk of either the municipality or county which formed the port authority under section 68.010, and to the Missouri department of transportation stating the services provided, revenues collected and expenditures made by the district during such fiscal year, and copies of written resolutions approved by the board during the fiscal year. The municipal clerk or county clerk, as applicable, shall retain this report as part of the official records of the municipality or county and shall also cause this report to be spread upon the records of the governing body.

**3.** In addition to the report required under subsection 2 of this section, upon the approval by the qualified voters of a real property tax or sales and use tax, or both, in accordance with the act, each authority shall annually submit a report to the auditor of the state of Missouri in accordance with section 105.145.

**68.370.** Any expenditure made by the port authority that is over twenty-five thousand dollars, including professional service contracts, shall be competitively bid.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

At the request of Senator Griesheimer, **HCS** for **HB 1290**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

**HB 1270**, introduced by Representative Meiners, entitled:

An Act to repeal sections 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, and 201.090, RSMo, and to enact in lieu thereof eight new sections relating to children's special health care needs.

Was taken up by Senator Justus.

Senator Justus offered **SS** for **HB 1270**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 1270

An Act to repeal sections 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, and 201.090, RSMo, and to enact in lieu thereof nine new sections relating to children's health care needs, with an emergency clause for a certain section.

Senator Justus moved that **SS** for **HB 1270** be adopted.

Senator Crowell raised the point of order that **SS** for **HB 1270** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Crowell, his point of order was withdrawn.

At the request of Senator Justus, **SS** for **HB 1270** was withdrawn.

On motion of Senator Justus, **HB 1270** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Schaefer	Schmitt
Shields	Shoemyer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators—None

Absent—Senators

Green	Rupp	Scott	Stouffer—4
-------	------	-------	------------

Absent with leave—Senator Keaveny—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 1894**, introduced by Representative Bringer, entitled:

An Act to repeal section 630.220, RSMo, and to enact in lieu thereof one new section relating to collection of payment for certain mental health services.

Was taken up by Senator Bray.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1894, Page 1, In the Title, Line 3 of the title, by striking said line and inserting in lieu thereof the following: “the administrative functions of the department of mental health.”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

“630.060. **1.** The department shall seek and encourage cooperation and active participation of communities, counties, organizations, agencies, private and not-for-profit corporations and individuals in the effort to establish and maintain quality programs and services for persons affected by mental disorders, developmental disabilities or alcohol or drug abuse. The department shall develop programs of public

information and education for this purpose.

**2. The department shall cooperate with and may directly contract with all state agencies, local units of government, and any of the governor's advisory councils or commissions, or their successor agencies, and with the Missouri Mental Health Foundation, or its successor entity, in delivery of programs designed to improve public understanding of attitudes toward mental disorders, developmental disabilities, and alcohol and drug abuse pursuant to subdivision (3) of subsection 1 of section 630.020. For purposes of this section, the contracting process of the department with these entities need not be governed by the provisions of chapter 34.”; and**

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2**, which was read:

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 1894, Page 1, In the Title, Line 3, by striking “collection of payment for”; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

“208.453. Every hospital as defined by section 197.020, RSMo, except [public hospitals which are operated primarily for the care and treatment of mental disorders and] any hospital operated by the department of health and senior services, shall, in addition to all other fees and taxes now required or paid, pay a federal reimbursement allowance for the privilege of engaging in the business of providing inpatient health care in this state. For the purpose of this section, the phrase “engaging in the business of providing inpatient health care in this state” shall mean accepting payment for inpatient services rendered. The federal reimbursement allowance to be paid by a hospital which has an unsponsored care ratio that exceeds sixty-five percent or hospitals owned or operated by the board of curators, as defined in chapter 172, RSMo, may be eliminated by the director of the department of social services. The unsponsored care ratio shall be calculated by the department of social services.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray moved that **HB 1894**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **HB 1894**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Griesheimer assumed the Chair.

**HCS for HB 1898**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the women’s heart health program.

Was taken up by Senator Dempsey.

Senator Wilson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1898, Page 2, Section 191.425, Line 23, by inserting immediately after said line the following:

**“376.1245. 1. Each health benefit plan that is delivered, issued for delivery, or renewed in this state that provides coverage for the administration of viral influenza immunization vaccines shall provide coverage for such vaccines that are administered outside of a health care provider's office in an educational or pharmaceutical setting on a basis no less favorable than viral influenza immunization vaccines that are administered in a health care provider's office. As used in this section, the term “health benefit plan” shall have the same meaning ascribed to it in section 376.1350.**

**2. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.”; and**

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted.

Senator Dempsey raised the point of order that **SA 1** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Wilson, **SA 1** was withdrawn, rendering the pending point of order moot.

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 1898, Page 1, In the Title, Lines 2-3, by striking the following: “the women's heart health program” and inserting in lieu thereof the following: “programs administered by the department of health and senior services”; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

**“190.108. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an air ambulance license.**

**2. The department shall have the authority and responsibility to license an air ambulance service in accordance with sections 190.001 to 190.245, and in accordance with rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an air ambulance license including, but not limited to:**

- (1) Medical control plans;**
- (2) Medical director qualifications;**
- (3) Air medical staff qualifications;**
- (4) Response and operations standards to assure that the health and safety needs of the public are met;**
- (5) Standards for air medical communications;**

- (6) Criteria for compliance with licensure requirements;
- (7) Records and forms;
- (8) Equipment requirements;
- (9) Five-year license renewal;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

3. Application for an air ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the air ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon the sale or transfer of any air ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

**5. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.109. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for a ground ambulance license.

2. Any person that owned and operated a licensed ambulance on December 31, 1997, shall receive an ambulance service license from the department, unless suspended, revoked or terminated, for that ambulance service area which was, on December 31, 1997, described and filed with the department as the primary service area for its licensed ambulances on August 28, 1998, provided that the person makes application and adheres to the rules and regulations promulgated by the department pursuant to sections 190.001 to 190.245.

3. The department shall issue a new ground ambulance service license to an ambulance service that is not currently licensed by the department, or is currently licensed by the department and is seeking to expand its ambulance service area, except as provided in subsection 4 of this section, to be valid for a period of five years, unless suspended, revoked or terminated, when the director finds that the applicant meets the requirements of ambulance service licensure established pursuant to sections 190.100 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. In order to be considered for a new ambulance service license, an ambulance service shall submit to the department a letter of endorsement from each ambulance district or fire protection district that is authorized to provide ambulance service, or from each municipality not within an ambulance district or fire protection district that is authorized to provide ambulance service, in which the ambulance service proposes to operate. If an ambulance service proposes to operate in unincorporated portions of a county not within an ambulance district or fire protection district that is authorized to provide ambulance service, in order to be considered for a new ambulance service license, the ambulance service shall submit to the department a letter of endorsement from the

county. Any letter of endorsement required pursuant to this section shall verify that the political subdivision has conducted a public hearing regarding the endorsement and that the governing body of the political subdivision has adopted a resolution approving the endorsement. The letter of endorsement shall affirmatively state that the proposed ambulance service:

- (1) Will provide a benefit to public health that outweighs the associated costs;
- (2) Will maintain or enhance the public's access to ambulance services;
- (3) Will maintain or improve the public health and promote the continued development of the regional emergency medical service system;
- (4) Has demonstrated the appropriate expertise in the operation of ambulance services; and
- (5) Has demonstrated the financial resources necessary for the operation of the proposed ambulance service.

4. A contract between a political subdivision and a licensed ambulance service for the provision of ambulance services for that political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service to include the jurisdictional boundaries of the political subdivision. The termination of the aforementioned contract shall result in a reduction of the licensed ambulance service's ambulance service area by removing the geographic area of the political subdivision from its ambulance service area, except that licensed ambulance service providers may provide ambulance services as are needed at and around the state fair grounds for protection of attendees at the state fair.

5. The department shall renew a ground ambulance service license if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245.

6. The department shall promulgate rules relating to the requirements for a ground ambulance service license including, but not limited to:

- (1) Vehicle design, specification, operation and maintenance standards;
- (2) Equipment requirements;
- (3) Staffing requirements;
- (4) Five-year license renewal;
- (5) Records and forms;
- (6) Medical control plans;
- (7) Medical director qualifications;
- (8) Standards for medical communications;
- (9) Memorandums of understanding with emergency medical response agencies that provide advanced life support;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

7. Application for a ground ambulance service license shall be made upon such forms as prescribed by

the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the ground ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

**8. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.131. 1. The department shall accredit or certify training entities for first responders, emergency medical dispatchers, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting. **The rules shall prescribe the amount of fees to be required for certification and recertification under this section. All certification fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to 190.245.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

7. No person or entity shall hold itself out or provide training required by this section without accreditation or certification by the department.

190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical response agency including,

but not limited to:

- (1) A licensure period of five years;
- (2) Medical direction;
- (3) Records and forms; and
- (4) Memorandum of understanding with local ambulance services.

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. No person or entity shall hold itself out as an emergency medical response agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

5. Only emergency medical response agencies, fire departments, and fire protection districts may provide certain ALS services with the services of EMT-Is.

6. Emergency medical response agencies functioning with the services of EMT-Is must work in collaboration with an ambulance service providing advanced life support with personnel trained to the emergency medical technician-paramedic level.

**7. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

- (1) Age requirements;
- (2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;
- (3) Initial licensure testing requirements;
- (4) Continuing education and relicensure requirements; and
- (5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application



form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

**6. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.”; and

Further amend said bill, Page 2, Section 191.425, Line 23, by inserting after all of said the following:

“210.221. 1. The department of health and senior services shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired. No license shall be granted for a term exceeding two years. Each license shall specify the kind of child-care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child-care facility, inspect their books and records, premises and children being served, examine their officers and agents, deny, suspend, place on probation or revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of health and senior services. The director also may revoke or suspend a license when the licensee fails to renew or surrenders the license;

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the division shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed; and

(4) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and senior services and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health and senior services. Local inspectors may grant a variance, subject to approval by the department of health and senior services.

3. The department shall deny, suspend, place on probation or revoke a license if it receives official written notice that the local governing body has found that license is prohibited by any local law related to the health and safety of children. The department may, after inspection, find the licensure, denial of licensure, suspension or revocation to be in the best interest of the state.

**4. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 210.201 to 210.245 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Dempsey raised the point of order that **SA 2** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

On motion of Senator Dempsey, **HCS** for **HB 1898** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Schaefer
Schmitt	Shields	Shoemyer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Champion	Rupp	Scott	Stouffer—4
----------	------	-------	------------

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

**HCS for HB 1977**, entitled:

An Act to repeal sections 190.060, 190.092, 190.133, 190.143, 190.196, 190.528, and 191.630, RSMo, and to enact in lieu thereof seven new sections relating to emergency medical technicians.

Was taken up by Senator Griesheimer.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1977, Page 1, In the Title, Line 4, by striking the word “technicians” and inserting in lieu thereof the following: “services”; and

Further amend said bill, page 5, section 190.092, line 36, by inserting after all of said line the following:

“190.108. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an air ambulance license.

2. The department shall have the authority and responsibility to license an air ambulance service in accordance with sections 190.001 to 190.245, and in accordance with rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an air ambulance license including, but not limited to:

- (1) Medical control plans;
- (2) Medical director qualifications;
- (3) Air medical staff qualifications;
- (4) Response and operations standards to assure that the health and safety needs of the public are met;
- (5) Standards for air medical communications;
- (6) Criteria for compliance with licensure requirements;
- (7) Records and forms;
- (8) Equipment requirements;
- (9) Five-year license renewal;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

3. Application for an air ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the air ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon the sale or transfer of any air ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

**5. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.109. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for a ground ambulance license.

2. Any person that owned and operated a licensed ambulance on December 31, 1997, shall receive an ambulance service license from the department, unless suspended, revoked or terminated, for that ambulance service area which was, on December 31, 1997, described and filed with the department as the primary service area for its licensed ambulances on August 28, 1998, provided that the person makes application and adheres to the rules and regulations promulgated by the department pursuant to sections 190.001 to 190.245.

3. The department shall issue a new ground ambulance service license to an ambulance service that is not currently licensed by the department, or is currently licensed by the department and is seeking to expand its ambulance service area, except as provided in subsection 4 of this section, to be valid for a period of five years, unless suspended, revoked or terminated, when the director finds that the applicant meets the requirements of ambulance service licensure established pursuant to sections 190.100 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. In order to be considered for a new ambulance service license, an ambulance service shall submit to the department a letter of endorsement from each ambulance district or fire protection district that is authorized to provide ambulance service, or from each municipality not within an ambulance district or fire protection district that is authorized to provide ambulance service, in which the ambulance service proposes to operate. If an ambulance service proposes to operate in unincorporated portions of a county not within an ambulance district or fire protection district that is authorized to provide ambulance service, in order to be considered for a new ambulance service license, the ambulance service shall submit to the department a letter of endorsement from the county. Any letter of endorsement required pursuant to this section shall verify that the political subdivision has conducted a public hearing regarding the endorsement and that the governing body of the political subdivision has adopted a resolution approving the endorsement. The letter of endorsement shall affirmatively state that the proposed ambulance service:

- (1) Will provide a benefit to public health that outweighs the associated costs;
- (2) Will maintain or enhance the public's access to ambulance services;
- (3) Will maintain or improve the public health and promote the continued development of the regional

emergency medical service system;

(4) Has demonstrated the appropriate expertise in the operation of ambulance services; and

(5) Has demonstrated the financial resources necessary for the operation of the proposed ambulance service.

4. A contract between a political subdivision and a licensed ambulance service for the provision of ambulance services for that political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service to include the jurisdictional boundaries of the political subdivision. The termination of the aforementioned contract shall result in a reduction of the licensed ambulance service's ambulance service area by removing the geographic area of the political subdivision from its ambulance service area, except that licensed ambulance service providers may provide ambulance services as are needed at and around the state fair grounds for protection of attendees at the state fair.

5. The department shall renew a ground ambulance service license if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245.

6. The department shall promulgate rules relating to the requirements for a ground ambulance service license including, but not limited to:

(1) Vehicle design, specification, operation and maintenance standards;

(2) Equipment requirements;

(3) Staffing requirements;

(4) Five-year license renewal;

(5) Records and forms;

(6) Medical control plans;

(7) Medical director qualifications;

(8) Standards for medical communications;

(9) Memorandums of understanding with emergency medical response agencies that provide advanced life support;

(10) Quality improvement committees; and

(11) Response time, patient care and transportation standards.

7. Application for a ground ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the ground ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

**8. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.131. 1. The department shall accredit or certify training entities for first responders, emergency medical dispatchers, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting. **The rules shall prescribe the amount of fees to be required for certification and recertification under this section. All certification fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to 190.245.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

7. No person or entity shall hold itself out or provide training required by this section without accreditation or certification by the department.”; and

Further amend said bill and page, section 190.133, line 26, by inserting after all of said line the following:

**“5. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Initial licensure testing requirements;

(4) Continuing education and relicensure requirements; and

(5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

**6. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Griesheimer, **HCS for HB 1977**, as amended, was placed on the Informal Calendar.

### CONCURRENT RESOLUTIONS

Senator Nodler moved that **SCR 55** be taken up for adoption, which motion prevailed.

On motion of Senator Nodler, **SCR 55** was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway

Schaefer      Schmitt      Shields      Shoemyer      Vogel      Wilson      Wright-Jones—31

NAYS—Senators—None

Absent—Senators

Rupp      Scott      Stouffer—3

Absent with leave—Senators—None

Vacancies—None

### HOUSE BILLS ON THIRD READING

Senator Griesheimer moved that **HCS** for **HB 1977**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Bray offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 1977, Page 9, Section 191.630, Line 18, by inserting after all of said line the following:

“431.068. 1. [Notwithstanding the provisions of section 431.061, any person seventeen years of age or older may donate blood voluntarily without the necessity of obtaining the permission or authorization of his or her parent or guardian.

2.] Any person **between** sixteen **and seventeen** years of age may donate blood, if that person obtains written permission or authorization from his or her parent or guardian.

[3.] **2.** No person under the age of eighteen shall receive compensation for any blood donated without the written authorization of his or her parent or guardian.

**3. The department of health and senior services shall develop a parental disclosure form for all donors between sixteen and seventeen years of age. This form shall provide information regarding donor risks and safety precautions.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Griesheimer, **HCS** for **HB 1977**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Schaefer	Scott	Shields	Shoemyer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None



Absent—Senators

Rupp                      Schmitt                      Stouffer—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 2270**, introduced by Representative Cooper, entitled:

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to SAFE CARE providers.

Was taken up by Senator Shields.

On motion of Senator Shields, **HB 2270** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Schaefer	Schmitt	Scott	Shields	Shoemyer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Rupp                      Stouffer—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Dempsey assumed the Chair.

### CONCURRENT RESOLUTIONS

Senator Lager moved that **SCR 52** be taken up for adoption, which motion prevailed.

On motion of Senator Lager, **SCR 52** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Schaefer
Schmitt	Scott	Shields	Shoemyer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Bray                      Rupp                      Stouffer—3

Absent with leave—Senators—None

Vacancies—None

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 588**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2016**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2010 and ending June 30, 2011.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**HCR 70**—Rules, Joint Rules, Resolutions and Ethics.

### RESOLUTIONS

Senator Green offered Senate Resolution No. 2331, regarding Bernice Williams, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, Head Coach Dan Backmeier, Assistant Coaches Brendan Cary and Tom Kirkland, Managers Haley Meuer and Kelsey Sontag and members of the Class 2 State Champion Harrisburg High School Girls Basketball team, Ashley Fisher, Chelcie Proctor, Bethany Wesselmann, Lindsey Roberts, Shanna Proctor, Erika Skaggs, Jennifer Beckley, Shelbie Ray, Harly Moore, Ashley Johnmeyer, Sammi Dixon, Chelsey Kroese, Paige Heibel, Jackie Williams and Tina Chickering.

Senator Pearce introduced to the Senate, Phil Duncan, Cass County.

Senator Justus introduced to the Senate, the Physician of the Day, Dr. Jeremy Bird, M.D., Kansas City.

Senator Shields introduced to the Senate, Dr. Alan and Marge Brewer, St. Joseph.

Senator Nodler introduced to the Senate, Eric and Chris Roll and their children, Gretchen and Joe, Joplin; and Gretchen and Joe were made honorary pages.

Senator Keaveny introduced to the Senate, Kimmy Mathis, Kathy Carr, parents and students from Kennard Classical Junior Academy, St. Louis; and Joseph Mathis, Margaret Mathis, Michael Mathis, Allyson Brink and Brendan Carr were made honorary pages.

Senator Crowell introduced to the Senate, Lauren Chase and her children, Renee and Matt Hamlett and Bucky McCarley, Jackson.

Senator McKenna introduced to the Senate, his wife, Angela and their son, Kellan Patrick, Crystal City.

On motion of Senator Engler, the Senate adjourned until 9:30 a.m., Wednesday, April 28, 2010.

**SENATE CALENDAR**


---

SIXTIETH DAY–WEDNESDAY, APRIL 28, 2010

---

**FORMAL CALENDAR****HOUSE BILLS ON SECOND READING**

HCS for HB 2016

**THIRD READING OF SENATE BILLS**

- |   |   |
|---|---|
| 1. SB 627-Justus (In Fiscal Oversight)          | 6. SS for SCS for SB 884-Schaefer               |
| 2. SJR 20-Bartle (In Fiscal Oversight)          | (In Fiscal Oversight)                           |
| 3. SB 779-Bartle (In Fiscal Oversight)          | 7. SCS for SB 622-Shoemyer                      |
| 4. SCS for SB 944-Shields (In Fiscal Oversight) | (In Fiscal Oversight)                           |
| 5. SB 1026-Rupp (In Fiscal Oversight)           | 8. SS for SB 1057-Shields (In Fiscal Oversight) |

9. SS for SB 1007-Dempsey  
(In Fiscal Oversight)

10. SCS for SB 969-Keaveny

### HOUSE BILLS ON THIRD READING

1. HCS for HB 1675, with SCS (Ridgeway)  
(In Fiscal Oversight)
2. HJR 76-Dethrow, et al, with SCS  
(Purgason) (In Fiscal Oversight)
3. HCS for HB 2048, with SCS (Lager)  
(In Fiscal Oversight)
4. HCS for HBs 1408 & 1514 (Lembke)  
(In Fiscal Oversight)
5. HB 1609-Diehl, with SCS (Bartle)
6. HCS#2 for HBs 1692, 1209, 1405, 1499,  
1535 & 1811, with SCS (Bartle)  
(In Fiscal Oversight)
7. HCS for HB 1840 (Mayer)
8. HCS for HB 1848 (Justus)

9. HCS for HB 1903, with SCS (Mayer)
10. HB 2317-Tracy, with SCS (Crowell)
11. HCS for HB 2231 (Goodman)
12. HCS for HB 1893, with SCA 1 (Schaefer)
13. HCS for HB 2081 (Goodman)
14. HCS for HB 2161 (Goodman)
15. HCS for HB 1965, with SCS (Cunningham)
16. HCS for HB 1764, with SCS (Rupp)
17. HB 1713-Sander, et al (Schaefer)
18. HCS for HB 1831, with SCS (Stouffer)
19. HCS for HBs 2147 & 2261 (Pearce)
20. HCS for HBs 1311 & 1341, with SCS  
(In Fiscal Oversight)

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham  
(In Fiscal Oversight)

SCS for SB 826-Griesheimer  
SB 1001-Griesheimer

### SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
SB 587-Nodler and Cunningham,  
with SCS & SA 1 (pending)  
SB 596-Callahan, with SCS (pending)  
SB 606-Stouffer  
SBs 607, 602, 615 & 725-Stouffer,  
with SCS & SA 1 (pending)  
SB 639-Schmitt, with SCS & SS for SCS  
(pending)

SB 643-Keaveny, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 698-Griesheimer, with SCS,  
SS for SCS & SA 1 (pending)  
SB 705-Griesheimer  
SB 738-Crowell, with SCS  
SB 747-Rupp, et al, with SA 1 (pending)  
SB 784-Schaefer and Pearce  
SB 792-Dempsey and Rupp, with SS (pending)

SB 797-Green  
 SB 810-Lager, with SCS  
 SB 818-Lembke, with SCS, SS for SCS  
 & SA 1 (pending)  
 SB 839-Wright-Jones, with SCS  
 SB 852-Lager, et al, with SS, SA 1  
 & SSA 1 for SA 1 (pending)  
 SB 868-Shields  
 SB 878-Lembke, with SCS & SS for SCS  
 (pending)  
 SBs 880, 780 & 836-Schaefer, with SCS,  
 SS for SCS & SA 1 (pending)  
 SBs 895, 813, 911, 924, 922 &  
 802-Dempsey, et al, with SCS, SS for  
 SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
 SSA 1 for SA 1 (pending)  
 SB 896-Shields and Crowell, with SA 1  
 (pending)

SB 905-Bray, et al, with SCS & SS for  
 SCS (pending)  
 SB 999-Schaefer  
 SB 1016-Mayer, with SCS  
 SB 1017-Mayer, with SCS (pending)  
 SB 1060-Bartle, with SCS  
 SJR 22-Callahan  
 SJR 25-Cunningham, et al, with SCS,  
 SS#2 for SCS & SA 5 (pending)  
 SJR 29-Purgason and Cunningham,  
 with SCS & SS#2 for SCS (pending)  
 SJR 31-Scott  
 SJR 33-Bartle, with SA 1 (pending)  
 SJR 34-Goodman, et al, with SA 1  
 (pending)  
 SJR 38-Ridgeway  
 SJR 40-Goodman, with SA 1 (pending)

#### HOUSE BILLS ON THIRD READING

SS#2 for HB 1268-Meiners (Justus)  
 (In Fiscal Oversight)  
 HCS for HB 1290, with SCS, SS for SCS &  
 SA 4 (pending) (Griesheimer)  
 HB 1424-Franz, with SCS (pending)  
 (McKenna)  
 SS for SCS for HB 1442-Jones (89), et al  
 (Nodler) (In Fiscal Oversight)

HCS#2 for HB 1472 (Schaefer)  
 HB 1595-Dugger, et al (Purgason)  
 HB 1894-Bringer (Bray) (In Fiscal Oversight)  
 HB 2109-Ruzicka, with SCS (Lager)  
 SS for SCS for HB 2111-Faith, et al  
 (Stouffer) (In Fiscal Oversight)  
 HCS for HJR 86, with SCS & SS for SCS  
 (pending) (Stouffer)

#### CONSENT CALENDAR

##### House Bills

Reported 4/15

HB 1392-Kirkton, et al, with SCS (Bray)  
 HB 2056-Diehl (Bartle)  
 HB 1654-Zimmerman, et al (Goodman)  
 HB 2182-Munzlinger and Smith (150)  
 (Clemens)

HB 1892-Nasheed, et al, with SCS  
 (Cunningham)  
 HCS for HB 1858, with SCS (Shoemyer)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2001, with SCS (Mayer)	HCS for HB 2008, with SCS (Mayer)
HCS for HB 2002, with SS for SCS (Mayer)	HCS for HB 2009, with SCS (Mayer)
HCS for HB 2003, with SS for SCS (Mayer)	HCS for HB 2010, with SCS (Mayer)
HCS for HB 2004, with SCS (Mayer)	HCS for HB 2011, with SCS (Mayer)
HCS for HB 2005, with SCS (Mayer)	HCS for HB 2012, with SCS (Mayer)
HCS for HB 2006, with SCS (Mayer)	HCS for HB 2013, with SCS (Mayer)
HCS for HB 2007, with SCS (Mayer)	

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1	HCS for HCRs 34 & 35 (Schmitt)
HCS for HCR 18, with SA 1 (pending) (Rupp)	SR 1744-Shields
SCR 46-Stouffer	SCR 57-Ridgeway
HCR 38-Icet, et al, with SCA 1 (Lembke)	

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTIETH DAY—WEDNESDAY, APRIL 28, 2010**

---

The Senate met pursuant to adjournment.

Senator Stouffer in the Chair.

Reverend Carl Gauck offered the following prayer:

“God doesn’t always smooth the path, but sometimes he puts springs in the wagon.” (*Marshall Lucas*)

We are aware, O God, that this time of year can make our time together here a very rough road. We are grateful it isn’t as rough as previous years but not as smooth as we could hope. So we pray, put a spring in our step and as we move bills along this day help us accomplish more in an unruffled way. And may You truly bless our efforts, gracious Lord. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Engler announced that photographers from The Columbia Missourian were given permission to take pictures in the Senate Chamber today.

### **RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 2332, regarding the McDonald County High School Army JROTC 2009-2010 Mustang Battalion, which was adopted.

Senator Nodler offered Senate Resolution No. 2333, regarding Karsen Sims, which was adopted.

Senator Engler offered Senate Resolution No. 2334, regarding Susan B. Rauls, Hillsboro, which was adopted.

Senator Engler offered Senate Resolution No. 2335, regarding Kathleen Bockhorst, Cedar Hill, which was adopted.

Senator Engler offered Senate Resolution No. 2336, regarding Horace “Joe” Gordon, Farmington, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2337, regarding Harold E. Thomas, Hannibal, which was adopted.

Senator Barnitz offered Senate Resolution No. 2338, regarding the One Hundredth Anniversary of St. Aloysius Catholic Church, Argyle, which was adopted.

Senator Vogel offered Senate Resolution No. 2339, regarding Logan Jeffrey Stockman, Jefferson City, which was adopted.

Senator Nodler offered Senate Resolution No. 2340, regarding Gerald Hulsey, Carthage, which was adopted.

Senator Schmitt offered Senate Resolution No. 2341, regarding Meredith Gibbons, which was adopted.

Senator Bray offered Senate Resolution No. 2342, regarding the Ninety-sixth Birthday of Lola Umstead, University City, which was adopted.

Senator Engler offered Senate Resolution No. 2343, regarding Mary Whitener, which was adopted.

Senator Lager offered Senate Resolution No. 2344, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Buddy Griffin, Chillicothe, which was adopted.

### **HOUSE BILLS ON THIRD READING**

**HB 1609**, with **SCS**, introduced by Representative Diehl, entitled:

An Act to repeal section 517.081, RSMo, and to enact in lieu thereof one new section relating to assignment of associate circuit judges.

Was taken up by Senator Bartle.

**SCS** for **HB 1609**, entitled:



SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1609

An Act to repeal section 517.081, RSMo, and to enact in lieu thereof one new section relating to assignment of associate circuit judges.

Was taken up.

Senator Bartle moved that **SCS** for **HB 1609** be adopted.

Senator Bartle offered **SS** for **SCS** for **HB 1609**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1609

An Act to repeal sections 32.056, 58.370, 66.010, 105.726, 193.125, 193.135, 193.255, 210.145, 210.150, 210.152, 211.031, 452.340, 452.377, 452.430, 453.121, 454.475, 454.515, 454.517, 454.557, 454.1003, 455.038, 455.040, 455.501, 484.053, 484.350, 494.455, 517.081, 525.233, 537.296, 542.286, 559.036, 563.031, 565.035, 571.030, RSMo, and to enact in lieu thereof fifty-three new sections relating to court procedures, with penalty provisions and an emergency clause for certain sections.

Senator Bartle moved that **SS** for **SCS** for **HB 1609** be adopted.

At the request of Senator Bartle, **HB 1609**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

**HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS** for **HB 2016**—Appropriations.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1840** was placed on the Informal Calendar.

At the request of Senator Justus, **HCS** for **HB 1848** was placed on the Informal Calendar.

**HCS** for **HB 1903**, with **SCS**, was placed on the Informal Calendar.

**HB 2317**, with **SCS**, introduced by Representative Tracy, entitled:

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Was taken up by Senator Crowell.

**SCS** for **HB 2317**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2317

An Act to authorize the conveyance of certain state properties, with an emergency clause for certain sections.

Was taken up.

Senator Crowell moved that **SCS** for **HB 2317** be adopted.

Senator Crowell offered **SS** for **SCS** for **HB 2317**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2317

An Act to amend chapter 8, RSMo, by adding thereto twelve new sections relating to state properties and the conveyance thereof, with an emergency clause for certain sections.

Senator Crowell moved that **SS** for **SCS** for **HB 2317** be adopted.

Senator Pearce offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2317, Page 17, Section 11, Lines 17-34 of said page, by striking all of said lines and inserting in lieu thereof the following: **“forever quitclaim any or all interest of the state of Missouri in real property located at the Nevada Habilitation Center, as specifically described herein. The authorization includes the lease-purchase of one portion and sale of the remainder of the property, in the Northwest 1/4 of Section 33, Township 36 North, Range 31 West of the 5th P.M. in Nevada, Missouri, Vernon County, more particularly described as follows:**

**Beginning at the Northwest corner of said Northwest 1/4; thence S88°18'28"E along the North line of said Northwest 1/4, a distance of 2629.18 feet to the Northeast Corner of said Northwest 1/4; thence S02°13'14"W along East line of said Northwest 1/4, a distance of 1219.36 feet; thence N88°36'07"W a distance of 823.82 feet; thence N02°14'03"E a distance of 580.95 feet; thence N88°18'28"W a distance of 519.23 feet to the Westerly Right of Way line of State Highway "W"; thence S02°12'02"W along said Right of Way line, a distance of 135.07 feet; thence N88°18'28"W a distance of 521.65 feet; thence S02°21'48"W a distance of 388.33 feet; thence N88°18'28"W a distance of 766.97 feet to the West line of said Northwest 1/4; thence N02°21'48"E along said West line, a distance of 1166.06 feet returning to the Point of Beginning. Having an Area of 60.58 acres.**

**Subject to road right of ways and easements, public and private, as may now be located.”.**

Senator Pearce moved that the above amendment be adopted, which motion prevailed.

Senator Crowell moved that **SS** for **SCS** for **HB 2317**, as amended, be adopted, which motion prevailed.

President Kinder assumed the Chair.

On motion of Senator Crowell, **SS** for **SCS** for **HB 2317**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Shoemyer—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Nodler—1

Absent—Senators—None

Absent with leave—Senator Shoemyer—1

Vacancies—None

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

**HCS for HB 2231**, entitled:

An Act to repeal section 194.350, RSMo, and to enact in lieu thereof one new section relating to cremation of human remains.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **HCS for HB 2231** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Shoemyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

At the request of Senator Schaefer, **HCS** for **HB 1893**, with **SCA 1**, was placed on the Informal Calendar.

**HCS** for **HB 2081**, entitled:

An Act to repeal section 563.031, RSMo, and to enact in lieu thereof one new section relating to the use of force by a pregnant woman to defend her unborn child.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **HCS** for **HB 2081** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Stouffer	Vogel	Wilson—30		

NAYS—Senators

Bray	Justus	Wright-Jones—3
------	--------	----------------

Absent—Senators—None

Absent with leave—Senator Shoemyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 2161**, entitled:

An Act to repeal section 302.183, RSMo, and to enact in lieu thereof one new section relating to driver's license application information.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **HCS** for **HB 2161** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senator Shoemyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Stouffer assumed the Chair.

**HCS** for **HB 1965**, with **SCS**, entitled:

An Act to repeal sections 8.190, 21.811, 21.840, 28.085, 30.220, 31.010, 33.065, 33.285, 33.571, 33.577, 34.065, 34.110, 34.130, 37.005, 42.121, 57.080, 57.130, 60.461, 67.2677, 71.240, 71.730, 71.750, 71.970, 94.030, 94.210, 95.365, 96.300, 96.310, 96.320, 96.330, 96.340, 96.350, 96.360, 96.370, 96.380, 99.799, 99.918, 99.1082, 105.140, 105.983, 115.177, 135.205, 135.207, 135.230, 135.431, 135.433, 135.530, 135.903, 135.953, 137.118, 137.286, 142.800, 142.815, 142.821, 143.171, 152.032, 165.016, 165.018, 170.250, 172.860, 173.005, 173.710, 173.715, 173.718, 173.721, 174.020, 174.266, 178.637, 178.930, 191.362, 192.010, 192.120, 192.255, 192.375, 195.060, 195.400, 195.405, 195.410, 195.415, 195.425, 196.180, 196.725, 196.730, 196.750, 196.755, 196.760, 196.765, 196.770, 196.775, 196.780, 196.785, 196.790, 196.795, 196.800, 196.805, 196.810, 197.305, 197.314, 197.317, 197.318, 197.366, 198.058, 198.087, 198.600, 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, 201.090, 207.023, 207.040, 207.050, 207.055, 208.344, 208.978, 210.002, 210.111, 210.292, 211.013, 211.015, 215.050, 215.263, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 217.860, 221.140, 237.200, 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010, 278.020, 278.030, 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 307.176, 307.367, 311.470, 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070, 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671, 376.990, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225, 454.010, 454.020, 454.030, 454.040, 454.050, 454.060, 454.070, 454.080, 454.090, 454.100, 454.105, 454.110, 454.120, 454.130, 454.140, 454.150, 454.160, 454.170, 454.180, 454.190, 454.200, 454.210, 454.220, 454.230, 454.240, 454.250, 454.260, 454.270, 454.275, 454.280, 454.290,

454.300, 454.310, 454.320, 454.330, 454.340, 454.350, 454.355, 454.360, 454.800, 454.802, 454.804, 454.806, 460.100, 460.250, 488.5345, 490.610, 537.675, 537.684, 620.010, 620.155, 620.156, 620.157, 620.158, 620.160, 620.161, 620.163, 620.164, 620.165, 620.170, 620.173, 620.174, 620.176, 620.515, 620.1023, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 644.054, 644.550, 644.551, and 660.018, RSMo, and section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof fifty-four new sections for the sole purposes of repealing expired, sunset, terminated, ineffective, or obsolete statutes, with penalty provisions and a contingent effective date for certain sections.

Was taken up by Senator Cunningham.

**SCS for HCS for HB 1965**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1965

An Act to repeal sections 8.190, 21.811, 21.840, 28.085, 30.220, 31.010, 33.065, 33.285, 33.571, 33.577, 34.065, 34.110, 34.130, 37.005, 42.121, 57.080, 57.130, 60.461, 67.2677, 71.240, 71.730, 71.750, 71.970, 94.030, 94.210, 95.365, 96.300, 96.310, 96.320, 96.330, 96.340, 96.350, 96.360, 96.370, 96.380, 99.799, 99.918, 99.1082, 105.140, 105.983, 115.177, 135.205, 135.207, 135.230, 135.431, 135.433, 135.530, 135.903, 135.953, 137.118, 137.286, 142.800, 142.815, 142.821, 143.171, 152.032, 165.016, 165.018, 170.250, 172.860, 173.005, 173.710, 173.715, 173.718, 173.721, 174.020, 174.266, 178.637, 178.930, 191.362, 192.010, 192.120, 192.255, 192.375, 195.060, 195.400, 195.405, 195.410, 195.415, 195.425, 196.180, 196.725, 196.730, 196.750, 196.755, 196.760, 196.765, 196.770, 196.775, 196.780, 196.785, 196.790, 196.795, 196.800, 196.805, 196.810, 197.305, 197.314, 197.317, 197.318, 197.366, 198.058, 198.087, 198.600, 207.023, 207.040, 207.050, 207.055, 208.344, 208.978, 210.002, 210.111, 210.292, 211.013, 211.015, 215.050, 215.263, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 217.860, 221.140, 237.200, 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010, 278.020, 278.030, 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 307.176, 307.367, 311.470, 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070, 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671, 376.990, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225, 454.010, 454.020, 454.030, 454.040, 454.050, 454.060, 454.070, 454.080, 454.090, 454.100, 454.105, 454.110, 454.120, 454.130, 454.140, 454.150, 454.160, 454.170, 454.180, 454.190, 454.200, 454.210, 454.220, 454.230, 454.240, 454.250, 454.260, 454.270, 454.275, 454.280, 454.290, 454.300, 454.310, 454.320, 454.330, 454.340, 454.350, 454.355, 454.360, 454.800, 454.802, 454.804, 454.806, 460.100, 460.250, 488.5345, 490.610, 537.675, 537.684, 620.010, 620.155, 620.156, 620.157, 620.158, 620.160, 620.161, 620.163, 620.164, 620.165, 620.170, 620.173, 620.174, 620.176, 620.1023, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 644.054, 644.550, 644.551, and 660.018, RSMo, and section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof forty-five new sections for the sole purpose of repealing expired, sunset, terminated, ineffective, or obsolete statutes, with penalty provisions and a contingent effective date for certain sections.

Was taken up.

Senator Cunningham moved that **SCS** for **HCS** for **HB 1965** be adopted.

Senator Engler offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, Page 3, Section A, Line 38, by inserting after all of said line the following:

“2.030. The joint committee on legislative research shall annually collate[,] **and** index, **and may** print[,] and bind **and/or produce in a web-based electronic format** all laws and resolutions passed or adopted by the general assembly and all measures approved by the people since the last publication of the session laws. Any edition of the session laws published pursuant to this section is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed.

3.130. [1.] Such number of copies of each volume of each edition of the revised statutes of Missouri and annotations thereto and such number of the supplements or pocket parts thereto as may be necessary to meet the demand as determined by the committee shall be printed and bound, and also produced in an electronic format, and delivered to the revisor of statutes, who shall execute and file a receipt therefor with the director of revenue. The revisor of statutes shall distribute the copies, in either version or combination, [without charge as follows:

(1) To each state department, and each division and bureau thereof, one copy as requested in writing specifying the version;

(2) To each member of the general assembly when first elected, one bound version and, if requested, one copy in the electronic version; and at each general assembly thereafter, one printed version and one copy in the electronic version if so requested in writing; each member to receive one printed version and, if requested, one copy in the electronic version of each supplement and of each new edition of the revised statutes when published;

(3) To each judge of the supreme court, the court of appeals and to each judge of the circuit courts, except municipal judges, one copy in either version;

(4) To the probate divisions of the circuit courts of Jackson County, St. Louis County and the city of St. Louis, four additional copies each in either version or combination, and to the probate divisions of the circuit courts of those counties where the judge of the probate division sits in more than one city, one additional copy each in either version;

(5) To the law library of the supreme court, ten copies in either version or combination;

(6) To the law libraries of each district of the court of appeals, six copies each in either version or combination;

(7) To the library of the United States Supreme Court, one copy in either version;

(8) To the United States district courts and circuit court of appeals for Missouri, two copies each in either version or combination;

(9) To the state historical society, two copies in either version or combination;

(10) To the libraries of the state university at Columbia, at St. Louis, at Kansas City and at Rolla, one bound version and one electronic version each;

(11) To the state colleges, Lincoln University, the community colleges, Missouri Western State College, Linn State Technical College, and Missouri Southern State College, one bound version and one electronic version each;

(12) To the public school library of St. Louis, two copies in either version or combination;

(13) To the Library of Congress, one copy in either version;

(14) To the Mercantile Library of St. Louis, one bound version and one electronic version;

(15) To each public library in the state, if requested, one copy in either version;

(16) To the law libraries of St. Louis, St. Louis County, Kansas City and St. Joseph, one bound version and one electronic version each;

(17) To the law schools of the state university, St. Louis University, and Washington University, one bound version and one electronic version each;

(18) To the circuit clerk of each county of the state for distribution to each county officer, to be by him or her delivered to his or her successor in office, one copy in either version as requested in writing;

(19) To the director of the committee on legislative research, such number of copies in either version or combination as may be required by such committee for the performance of its duties;

(20) To any county law library, when requested by the circuit clerk, one bound version and one electronic version;

(21) To each county library, one copy of either version, when requested in writing;

(22) To any committee of the senate or house of representatives, as designated and requested by the accounts committee of the respective house] **at the price determined by the committee under section 3.140.**

[2. The revisor of statutes shall also provide the librarians of the supreme court library and the committee on legislative research such copies in either version or combination as may be necessary, not exceeding fifty-one each, to enable them to exchange the copies for like compilations or revisions of the statute laws of other states and territories.]

3.140. [1.] The committee on legislative research may, through the revisor of statutes, sell copies of the revised statutes of Missouri, and any supplement or edition of pocket parts thereto, [not required by this chapter to be distributed without charge,] **in print and/or in a web-based electronic format** at a price to be determined by the committee, taking into account the cost of printing and binding, **producing the statutes and maintaining the website**, including the cost of delivery, and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.

[2. The revisor of statutes shall also supply to the clerk of the circuit court of each county order blanks in a number sufficient to meet the public demand. The blanks may be used by the public to order copies which shall be sold by the committee as provided in subsection 1.]

11.010. The official manual, commonly known as the “Blue Book”, compiled and **electronically** published by the secretary of state **on its official website** is the official manual of this state, and it is unlawful for any officer or employee of this state, or any board, or department or any officer or employee



thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him **or her** as not suitable for publication in the manual.

11.020. The secretary of state shall biennially, as soon as practicable after the organization of each general assembly, prepare and **electronically** publish [forty thousand copies of] the Missouri manual, to contain historical, official, political, statistical and other information in regard to the national and state governments, such as is found in the manuals of 1907 and 1908. The [manuals] **manual** shall be [distributed by the secretary of state, to the members of the general assembly, the state, judicial and county officers, each high school and each elementary school within the state and to the newspapers of the state and the surplus volumes shall be distributed throughout the state upon proper applications made therefor. Each member of the senate shall receive two hundred volumes and each member of the house of representatives shall receive one hundred volumes of the manual] **accessible via the official website of the secretary of state.**"; and

Further amend said bill, page 106, section 644.551, line 23, by inserting after all of said line the following:

“[3.142. 1. There is hereby established in the state treasury a revolving fund known as the “Statutory Revision Fund”, and which shall receive funds paid to the revisor of statutes for sales of the revised statutes of Missouri or any supplement thereto, whether in printed, electronic, magnetic, or other form and funds received for any other service for which there is a fee charged by the committee on legislative research. The committee on legislative research shall determine the form and any fees or charges for the statutes or services. The state treasurer shall be custodian of the fund and shall make disbursements from the fund for enhancing or producing the electronic form of the revised statutes in a computer readable form, enhancing the electronic processing of computerized legislative drafting and such other purposes authorized by the joint committee on legislative research upon appropriation by the general assembly. Moneys in the fund may also be used at the direction of the committee on legislative research to provide the revised statutes of Missouri and any supplement thereto to public libraries of this state in a computer readable format for use by patrons of the libraries.

2. Any unexpended balance in the fund at the end of any biennium not to exceed twice the cost of providing the annual supplement to the revised statutes of Missouri is exempt from the provisions of section 33.080, RSMo, relating to transfer of unexpended balances to the ordinary revenue fund.]”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, Page 3, Section 33.065, Line 6, by inserting after all of said line the following:

**“33.850. 1. The committee on legislative research shall organize a subcommittee, which shall be known as the “Joint Subcommittee on Recovery Accountability and Transparency”, to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.**

**2. The subcommittee shall consist of the following eight members:**

**(1) One-half of the members appointed by the chairperson from the house which he or she represents, two of whom shall be from the majority party and two of whom shall be from the minority party; and**

**(2) One-half of the members appointed by the vice chairperson from the house which he or she represents, two of whom shall be from the majority party and two of whom shall be from the minority party.**

**3. The appointment of the senate and house members shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired.**

**4. The subcommittee shall coordinate and conduct oversight of covered funds in order to prevent fraud, waste, and abuse, including:**

**(1) Reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;**

**(2) Reviewing whether competition requirements applicable to contracts and grants using covered funds have been satisfied;**

**(3) Reviewing covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters it considers appropriate for investigation to the attorney general or the agency that disbursed the covered funds;**

**(4) Receiving regular reports from the commissioner of the office of administration, or his or her designee, concerning covered funds; and**

**(5) Reviewing the number of jobs created using these funds.**

**5. The subcommittee shall submit annual reports to the governor and general assembly, including the senate appropriations committee and house budget committee, that summarize the findings of the subcommittee with regard to its duties in subsection 4 of this section. All reports submitted under this subsection shall be made publicly available and posted on the governor's website, the general assembly website, and each state agency website. Any portion of a report submitted under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under chapter 610, or any other provision of state law.**

**6. (1) The subcommittee shall make recommendations to agencies on measures to prevent fraud, waste, and abuse relating to covered funds.**

**(2) Not later than thirty days after receipt of a recommendation under subdivision (1) of this subsection, an agency shall submit a report to the governor and general assembly, including the senate appropriations committee and house budget committee, and the subcommittee that states:**

**(a) Whether the agency agrees or disagrees with the recommendations; and**

**(b) Any actions the agency will take to implement the recommendations.**

**7. The subcommittee may:**

- (1) Review audits from the state auditor and conduct reviews relating to covered funds; and**
- (2) Receive regular testimony from the state auditor relating to audits of covered funds.**

**8. (1) Not later than thirty days after the date on which all initial members of the subcommittee have been appointed, the subcommittee shall hold its first meeting. Thereafter, the subcommittee shall meet at the call of the chairperson of the subcommittee.**

**(2) A majority of the members of the subcommittee shall constitute a quorum, but a lesser number of members may hold hearings.**

**9. The subcommittee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the subcommittee considers advisable to carry out the provisions of this section. Each agency of this state shall cooperate with any request of the subcommittee to provide such information as the subcommittee deems necessary to carry out the provisions of this section. Upon request of the subcommittee, the head of each agency shall furnish such information to the subcommittee. The head of each agency shall make all officers and employees of that agency available to provide testimony to the subcommittee and committee personnel.**

**10. Subject to appropriations, the subcommittee may enter into contracts with public agencies and with private persons to enable the subcommittee to discharge its duties under the provisions of this section, including contracts and other arrangements for studies, analyses, and other services.**

**11. The members of the subcommittee shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their official duties.**

**12. As used in this section, the term “covered fund” shall mean any moneys received by the state or any political subdivision under the American Recovery and Reinvestment Act of 2009, as enacted by the 111th United States Congress.**

**13. This section shall expire March 1, 2013.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 3:**

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, Page 3, Section A, Line 38, by inserting after all of said line the following:

**“21.920. 1. There is established a joint committee of the general assembly to be known as the “Joint Committee on Missouri's Promise” to be composed of five members of the senate and five members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem of the senate and the house members shall be appointed by the speaker of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than three members from the house of representatives**

nor more than three members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

**2. The committee shall be charged with the following:**

**(1) Examining issues that will be impacting the future of the state of Missouri and its citizens;**

**(2) Developing long-term strategies and plans for:**

**(a) Increasing the economic prosperity and opportunities for the citizens of this state;**

**(b) Improving the health status of our citizens;**

**(c) An education system that educates students who are capable of attending and being productive and successful citizens and designed to successfully prepare graduates for global competition; and**

**(d) Other areas that the committee determines are vital to improving the lives of the citizens of Missouri;**

**(3) Developing three, five, and ten year plans for the general assembly to meet the long-term strategies outlined in subdivision (2) of this subsection;**

**(4) Implementing budget forecasting for the upcoming ten years in order to plan for the long-term financial soundness of the state; and**

**(5) Such other matters as the committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues.**

**3. The committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the committee deems relevant, political subdivisions of this state, and the general public.**

**4. By January 1, 2011, and every year thereafter, the committee shall issue a report to the general assembly with any findings or recommendations of the committee with regard to its duties under subsection 2 of this section.**

**5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.”; and**

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 4:**

**SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, Page 68, Section 198.058, Line 13, by inserting after all of said line, the following:

“198.087. To ensure uniformity of application of regulation standards in long-term care facilities throughout the state, the department of social services shall:

**(1) Evaluate the requirements for inspectors or surveyors of facilities, including the eligibility, training and testing requirements for the position. Based on the evaluation, the department shall develop and**

implement additional training and knowledge standards for inspectors and surveyors;

(2) Periodically evaluate the performance of the inspectors or surveyors regionally and statewide to identify any deviations or inconsistencies in regulation application. At a minimum, the Missouri on-site surveyor evaluation process, and the number and type of actions overturned by the informal dispute resolution process and formal appeal shall be used in the evaluation. Based on such evaluation, the department shall develop standards and a retraining process for the region, state, or individual inspector or surveyor, as needed;

(3) In addition to the provisions of subdivisions (1) and (2) of this section, the department shall develop a single uniform comprehensive and mandatory course of instruction for inspectors/surveyors on the practical application of enforcement of statutes, rules and regulations. Such course shall also be open to attendance by administrators and staff of facilities licensed pursuant to this chapter;

(4) With the full cooperation of and in conjunction with the department of health and senior services, evaluate the implementation and compliance of the provisions of subdivision (3) of subsection 1 of section 198.012 in which rules, requirements, regulations and standards pursuant to section 197.080, RSMo, for assisted living facilities, intermediate care facilities and skilled nursing facilities attached to an acute care hospital are consistent with the intent of this chapter. [A report of the differences found in the evaluation conducted pursuant to this subdivision shall be made jointly by the departments of social services and health and senior services to the governor and members of the general assembly by January 1, 2008]; and

(5) With the full cooperation and in conjunction with the department of health and senior services, develop rules and regulations requiring the exchange of information, including regulatory violations, between the departments to ensure the protection of individuals who are served by health care providers regulated by either the department of health and senior services or the department of social services.”; and

Further amend said bill pages 154 to 156, section 198.087, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SCS** for **HCS** for **HB 1965**, as amended, be adopted, which motion prevailed.

Senator Cunningham moved that **SCS** for **HCS** for **HB 1965**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SCS** for **HCS** for **HB 1965**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

**HB 1392**, with **SCS**, introduced by Representative Kirkton, et al, entitled:

An Act to repeal section 67.110, RSMo, and to enact in lieu thereof one new section relating to ad valorem property tax rates.

Was called from the Consent Calendar and taken up by Senator Bray.

**SCS** for **HB 1392**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1392

An Act to repeal sections 67.110, 138.431, and 321.250, RSMo, and to enact in lieu thereof three new sections relating to property taxes.

Was taken up.

Senator Bray moved that **SCS** for **HB 1392** be adopted, which motion prevailed.

On motion of Senator Bray, **SCS** for **HB 1392** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Shoemyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 1654**, introduced by Representative Zimmerman, et al, entitled:

An Act to repeal section 525.233, RSMo, and to enact in lieu thereof one new section relating to requiring the notice of garnishment and writ of sequestration to contain only the last four digits of the federal taxpayer identification number.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HB 1654** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Shoemyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 2056**, introduced by Representative Diehl, entitled:

An Act to repeal section 454.515, RSMo, and to enact in lieu thereof one new section relating to liens for failure to pay maintenance and support.

Was called from the Consent Calendar and taken up by Senator Bartle.

On motion of Senator Bartle, **HB 2056** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Shoemyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 2182**, introduced by Representatives Munzlinger and Smith (150), entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to agritourism.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **HB 2182** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny

Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Shoemyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 1892**, with **SCS**, introduced by Representative Nasheed, et al, entitled:

An Act to repeal section 294.045, RSMo, and to enact in lieu thereof one new section relating to work certificates.

Was called from the Consent Calendar and taken up by Senator Cunningham.

**SCS** for **HB 1892**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1892

An Act to repeal section 294.045, RSMo, and to enact in lieu thereof one new section relating to work certificates.

Was taken up.

Senator Cunningham moved that **SCS** for **HB 1892** be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **HB 1892** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None



Absent with leave—Senator Shoemyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 1848**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the urban farming task force.

Was called from the Informal Calendar and taken up by Senator Justus.

Senator Justus offered **SS for HCS for HB 1848**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1848

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the study of urban farming.

Senator Justus moved that **SS for HCS for HB 1848** be adopted, which motion prevailed.

On motion of Senator Justus, **SS for HCS for HB 1848** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Stouffer	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Keaveny      Lembke      Vogel—3

Absent with leave—Senator Shoemyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 1840**, entitled:

An Act to repeal section 265.525, RSMo, and to enact in lieu thereof one new section relating to the Missouri rice certification act.

Was called from the Informal Calendar and taken up by Senator Mayer.

On motion of Senator Mayer, **HCS for HB 1840** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Stouffer	Vogel	Wilson—29			

NAYS—Senators—None

Absent—Senators

Green	Keaveny	Lembke	Wright-Jones—4
-------	---------	--------	----------------

Absent with leave—Senator Shoemyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 1903**, with **SCS**, entitled:

An Act to amend chapter 30, RSMo, by adding thereto one new section relating to the federal budget stabilization extension fund, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Mayer.

**SCS for HCS for HB 1903**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1903

An Act to repeal section 160.254, RSMo, and to enact in lieu thereof three new sections relating to funds established in the state treasury to receive federal funds, with an emergency clause.

Was taken up.

Senator Mayer moved that **SCS for HCS for HB 1903** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 1903** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Schaefer	Schmitt
Shields	Stouffer	Vogel	Wilson	Wright-Jones—29			

## NAYS—Senators—None

## Absent—Senators

Green	Lembke	Rupp	Scott—4
-------	--------	------	---------

Absent with leave—Senator Shoemyer—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Schaefer	Schmitt
Shields	Stouffer	Vogel	Wilson	Wright-Jones—29			

## NAYS—Senators—None

## Absent—Senators

Green	Lembke	Rupp	Scott—4
-------	--------	------	---------

Absent with leave—Senator Shoemyer—1

Vacancies—None

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer moved that **HCS** for **HB 1290**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Griesheimer, **SS** for **SCS** for **HCS** for **HB 1290** was withdrawn, rendering

**SA 4** moot.

Senator Griesheimer offered **SS No. 2** for **SCS** for **HCS** for **HB 1290**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1290

An Act to repeal sections 48.020, 48.030, 49.310, 50.622, 50.660, 52.290, 52.312, 52.361, 52.370, 54.010, 55.030, 55.140, 55.190, 67.110, 67.456, 67.1000, 67.1360, 67.1361, 67.1461, 67.2000, 68.025, 68.035, 68.040, 68.070, 70.220, 70.605, 78.090, 92.715, 94.900, 94.902, 115.305, 115.342, 115.346, 137.073, 137.180, 137.355, 138.431, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.100, 140.150, 140.160, 140.170, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 141.830, 165.071, 182.647, 204.300, 204.472, 204.571, 250.233, 321.130, 321.250, 321.711, 429.110, 473.739, 473.742, and 537.620, RSMo, and to enact in lieu thereof one hundred seven new sections relating to political subdivisions, with penalty provisions and an emergency clause for certain sections.

Senator Griesheimer moved that **SS No. 2** for **SCS** for **HCS** for **HB 1290** be adopted.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 79, Section 68.335, Lines 9-10 of said page, by striking the following: “property's owner” and inserting in lieu thereof the following: “**person responsible for paying the tax**”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Dempsey assumed the Chair.

Senator Engler offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 185, Section 190.056, Line 11, by inserting after all of said line the following:

**“196.273. An agricultural facility that raises animals for human consumption and prepares and offers food as a meal to consumers as part of a prepaid tour of the facility shall be exempt from all state laws and regulations relating to food inspection under sections 196.190 to 196.271, so long as:**

**(1) The consumer is informed by statements contained in published advertisements, mailed brochures, and placards in the dining area that the food is prepared in a kitchen that is not regulated and inspected by the department of health and senior services; and**

**(2) The prepared meal is not sold separately.”; and**

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Pages 181-185, Section 190.056, by striking all of said section from the bill; and further amend said bill, pages 202-203, section 321.711, by striking all of said section from the bill; and Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion failed.

Senator Lager offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 15, Section 59.003, Line 9 of said page, by inserting immediately after said line the following:

**“60.670. 1. As used in this section, the following terms shall mean:**

**(1) “Cadastral parcel mapping”, an accurately delineated identification of all real property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the position of the legal framework is derived from the USPLSS, existing tax maps, and tax database legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats.**

**(2) “Digital cadastral parcel mapping”, encompasses the concepts of automated mapping, graphic display and output, data analysis, and data base management as pertains to cadastral parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data, people, organizations, and institutional arrangements for collecting, storing, analyzing, and disseminating information about the location and areas of parcels and the USPLSS;**

**(3) “USPLSS” or “United States public land survey system”, a survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the land survey program of the department of natural resources;**

**(4) “Tax map”, a document or map for taxation purposes representing the location, dimensions, and other relevant information pertaining to a parcel of land subject to property taxes.**

**2. The office of the state land surveyor established within the department of natural resources shall promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**

**3. Any map designed and used to reflect legal property descriptions or boundaries for use in a**

**digital cadastral mapping system shall comply with the rules promulgated under this section, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map have already agreed to the terms of their contract on the effective date of the rules promulgation.”; and**

Further amend said bill, page 203, section 321.711, line 8 of said page, by inserting immediately after said line the following:

“327.272. 1. **A professional land surveyor shall include** any person who practices in Missouri as a professional land surveyor who uses the title of “surveyor” alone or in combination with any other word or words including, but not limited to “registered”, “professional” or “land” indicating or implying that the person is, or holds himself or herself out to be a professional land surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or implies that the person is a professional land surveyor or is willing or able to practice professional land surveying or who renders or offers to render, or holds himself or herself out as willing or able to render, or perform any service or work, the adequate performance of which involves the special knowledge and application of the principles of **land surveying**, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience and examination, that affect real property rights on, under or above the land and which service or work involves:

(1) The **determination, location, relocation, establishment, reestablishment, layout, or retracing of land boundaries and positions of the United States Public Land Survey System;**

(2) Monumentation of land boundaries, land boundary corners and corners of the United States Public Land Survey System;

(3) The subdivision of land into smaller tracts;

(4) **Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities in subdivisions (1) to (3) of this subsection;**

(5) Consultation, investigation, evaluation, planning, design and execution of surveys;

[(5)] (6) The preparation of any drawings showing the shape, location, dimensions or area of tracts of land;

[(6)] (7) Monumentation of geodetic control and the determination of their horizontal and vertical positions;

[(7)] (8) Establishment of state plane coordinates;

[(8)] (9) Topographic surveys and the determination of the horizontal and vertical location of any physical features on, under or above the land;

[(9)] (10) The preparation of plats, maps or other drawings showing elevations and the locations of improvements and the measurement and preparation of drawings showing existing improvements after construction;

[(10)] (11) Layout of proposed improvements;

[(11)] (12) The determination of azimuths by astronomic observations.

2. None of the specific duties listed in subdivisions (4) to [(11)] (12) of subsection 1 of this section are exclusive to professional land surveyors unless they affect real property rights. For the purposes of this

section, the term “real property rights” means a recordable interest in real estate as it affects the location of land boundary lines.

3. Nothing in this section shall be construed to preclude the practice of architecture or professional engineering as provided in sections 327.091 and 327.181.

4. Nothing in this section shall be construed to prohibit the subdivision of land pursuant to section 137.185, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 15, Section 59.003, Line 9 of said page, by inserting immediately after said line the following:

“67.085. **1.** Notwithstanding any law to the contrary, any political subdivision of the state and any other public entity in Missouri may invest funds of the public entity not immediately needed for the purpose to which such funds or any of them may be applicable provided each public entity meets the requirements for separate deposit insurance of public funds permitted by federal deposit insurance and in accordance with the following conditions:

(1) The public funds are invested through a financial institution which has been selected as a depository of the funds in accordance with the applicable provisions of the statutes of Missouri relating to the selection of depositories and such financial institution enters into a written agreement with the public entity;

(2) The selected financial institution arranges for the deposit of the public funds in certificates of deposit in one or more financial institutions wherever located in the United States, for the account of the public entity;

(3) Each such certificate of deposit issued by financial institutions as provided in subdivision (2) of this section is insured by federal deposit insurance for one hundred percent of the principal and accrued interest of the certificate of deposit;

(4) The selected financial institution acts as custodian for the public entity with respect to the certificate of deposit issued for its account; and

(5) At the same time that the public funds are deposited and the certificates of deposit are issued, the selected financial institution receives an amount of deposits from customers of other financial institutions equal to the amount of the public funds initially invested by the public entity through the selected financial institution.

**2. Notwithstanding any law to the contrary, any political subdivision of the state and any other public entity in Missouri may invest funds of the public entity not immediately needed for the purpose to which such funds or any of them may be applicable provided each public entity meets the requirements for separate deposit insurance of public funds permitted by federal deposit insurance and in accordance with the following conditions:**

**(1) The public entity deposits the funds in a deposit account in a financial institution which has**

been selected as a depository of the funds in accordance with the applicable provisions of the statutes of Missouri relating to the selection of depositories and authorizes the financial institution to arrange for the redeposit of the money through a deposit placement program that meets the conditions set forth in subdivisions (2) to (5) of this subsection;

(2) On or after the date that the public entity funds are received, the selected financial institution:

(a) Arranges for the redeposit of the funds into deposit accounts in one or more financial institutions wherever located in the United States; and

(b) Serves as custodian for the public entity with respect to the funds redeposited into such accounts;

(3) Public entity funds deposited in a selected financial institution in accordance with this subsection and held at the close of business in the selected financial institution in excess of the amount insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund shall be secured in accordance with law;

(4) The full amount of the public entity funds redeposited by the selected financial institution into deposit accounts in financial institutions (plus accrued interest, if any) shall be insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund;

(5) On the same date that the funds of the public entity are redeposited under this subsection, the selected financial institution receives an amount of deposits from customers of other financial institutions under the deposit placement program that are equal to the amount of the public entity's funds redeposited by the selected financial institution.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt assumed the Chair.

Senator Green offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 118, Section 94.1011, Line 18, by inserting immediately after said line the following:

“99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;



(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 or 3 of this section, or an employee or consultant of the municipality, involved in

the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax

increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments. Members appointed by the county executive or presiding commissioner prior to August 28, 2008, shall continue their service on the commission established in subsection 3 of this section without further appointment unless the county executive or presiding commissioner appoints a new member or members.

### 3. Beginning August 28, [2008] **2010**:

(1) In lieu of a commission created under subsection 2 of this section, [any city, town, or village in a county with a charter form of government and with more than one million inhabitants, in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, or in a county of the first classification with more than one hundred eighty-five thousand but fewer than two hundred thousand inhabitants] **cities, towns, and villages** shall, prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, create a commission consisting of twelve persons to be appointed as follows:

(a) Six members appointed either by the county executive or presiding commissioner; notwithstanding any provision of law to the contrary, no approval by the county's governing body shall be required;

(b) Three members appointed by the cities, towns, or villages in the county which have tax increment financing districts in a manner in which the chief elected officials of such cities, towns, or villages agree;

(c) Two members appointed by the school boards whose districts are included in the county in a manner in which the school boards agree; and

(d) One member to represent all other districts levying ad valorem taxes in the proposed redevelopment area in a manner in which all such districts agree. No city, town, or village subject to this subsection shall

create or maintain a commission under subsection 2 of this section, except as necessary to complete a public hearing for which notice under section 99.830 has been provided prior to August 28, [2008] **2010**, and to vote or make recommendations relating to redevelopment plans, redevelopment projects, or designation of redevelopment areas, or amendments thereto that were the subject of such public hearing;

(2) Members appointed to the commission created under this subsection, except those six members appointed by either the county executive or presiding commissioner, shall serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan, or designation of a redevelopment area is considered for approval by the commission. The six members appointed by either the county executive or the presiding commissioner shall serve on all such commissions until replaced. The city, town, or village that creates a commission under this subsection shall send notice thereof by certified mail to the county executive or presiding commissioner, to the school districts whose boundaries include any portion of the proposed redevelopment area, and to the other taxing districts whose boundaries include any portion of the proposed redevelopment area. The city, town, or village that creates the commission shall also be solely responsible for notifying all other cities, towns, and villages in the county that have tax increment financing districts and shall exercise all administrative functions of the commission. The school districts receiving notice from the city, town, or village shall be solely responsible for notifying the other school districts within the county of the formation of the commission. If the county, school board, or other taxing district fails to appoint members to the commission within thirty days after the city, town, or village sends the written notice, as provided herein, that it has convened such a commission or within thirty days of the expiration of any such member's term, the remaining duly appointed members of the commission may exercise the full powers of the commission.

4. (1) Any commission created under this section, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830.

(2) Any commission created under subsection 2 of this section shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

(3) Any commission created under subsection 3 of this section shall, within fifteen days of the receipt of a redevelopment plan meeting the minimum requirements of section 99.810, as determined by counsel to the city, town, or village creating the commission and a request by the applicable city, town, or village for a public hearing, fix a time and place for the public hearing referred to in section 99.825. The public hearing shall be held no later than seventy-five days from the commission's receipt of such redevelopment plan and request for public hearing. The commission shall vote and make recommendations to the governing body of the city, town, or village requesting the public hearing on all proposed redevelopment plans, redevelopment projects, and designations of redevelopment areas, and amendments thereto within thirty days following the completion of the public hearing. If the commission fails to vote within thirty days following the completion of the public hearing referred to in section 99.825 concerning the proposed

redevelopment plan, redevelopment project, or designation of redevelopment area, or amendments thereto, such plan, project, designation, or amendment thereto shall be deemed rejected by the commission.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Engler requested a roll call vote be taken on the adoption of **SA 6**. He was joined in his request by Senators Green, Griesheimer, Lembke and Stouffer.

**SA 6** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Crowell	Days	Dempsey	Green	Keaveny
Lager	Lembke	McKenna	Purgason	Ridgeway	Rupp	Schmitt	Wright-Jones—16

NAYS—Senators

Callahan	Champion	Clemens	Cunningham	Engler	Goodman	Griesheimer	Justus
Mayer	Nodler	Pearce	Schaefer	Scott	Shields	Stouffer	Vogel
Wilson—17							

Absent—Senators—None

Absent with leave—Senator Shoemyer—1

Vacancies—None

Senator Justus offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 180, Section 165.071, Line 3, by inserting after all of said line the following:

“169.270. Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) “Accumulated contributions”, the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member's individual account together with interest thereon in the employees' contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) “Actuarial equivalent”, a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. **The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system's actuary and approved by the board of trustees;**

(3) “Average final compensation”, the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are “consecutive”, only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) “Beneficiary”, any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) “Board of education”, the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) “Board of trustees”, the board provided for in section 169.291 to administer the retirement system;

(7) “Break in service”, an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed, or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A “school or work day” is a day on which the employee's employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee's last job description to report to their place of employment for any reason;

(8) “Charter school”, any charter school established pursuant to sections 160.400 to 160.420, RSMo, and located, at the time it is established, within the school district;

(9) “Compensation”, the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member's behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) “Creditable service”, the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) “Employee”, any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) “Employer”, the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retiree;

(13) “Employer's board”, the board of education, the governing board of any charter school, the board

of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) "Library district", any urban public library district created from or within a school district under the provisions of section 182.703, RSMo;

(15) "Medical board", the board of physicians provided for in section 169.291;

(16) "Member", any person who is a regular employee after the retirement system has been established hereunder ("active member"), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder ("inactive member");

(17) "Minimum normal retirement age", the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit, with both years of creditable service and years of age prorated for fractional years;

(18) "Prior service", service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(19) "Regular employee", any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee's status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;

(20) "Retirant", a former member receiving a retirement allowance hereunder;

(21) "Retirement allowance", annuity payments to a retirant or to such beneficiary as is entitled to same;

(22) "School district", any school district in which a retirement system shall be established under section 169.280.

169.280. 1. In each school district of this state (i) that now has or may hereafter have a population of not more than seven hundred thousand and (ii) not less than seventy percent of whose population resides in a city other than a city not within a county which now has or may hereafter have a population of four hundred thousand or more, according to the latest United States decennial census, there is hereby created and established a retirement system for the purpose of providing retirement allowances and related benefits for employees of the employer. Each such system shall be under the management of a board of trustees herein described, and shall be known as "The Public School Retirement System of (name of school district)", and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held. When a school district first satisfies the foregoing population conditions, the board of education shall adopt a resolution certifying the same and take all actions necessary to cause the retirement system to begin operation on the thirtieth day of September following such certification.

2. In the event that (i) the population of a school district having a retirement system created hereunder should increase to a number greater than seven hundred thousand, or (ii) the population of the city in which not less than seventy percent of the population of the school district resides should decrease to a number

less than four hundred thousand, or (iii) less than seventy percent of the population of the school district should reside in a city having a population of at least four hundred thousand, or (iv) the corporate organization of the school district shall lapse in accordance with subsections 1 and 4 of section 162.081, RSMo, the retirement system of such school district shall continue to be governed by and subject to sections 169.270 to 169.400 and all other statutes, rules, and regulations applicable to retirement systems in school districts having a population of not more than seven hundred thousand and not less than seventy percent of whose population resides in a city, other than a city not within a county, of four hundred thousand or more, as if the population of such school district and city continued to be within such numerical limits.

**3. The plan of retirement benefits administered by the retirement system established hereby is intended to be a qualified plan under the provisions of applicable federal law. The board of trustees shall interpret the statutes governing the retirement system and shall administer the retirement system in all respects consistent with such intent. The assets of the retirement system shall be held in trust for the exclusive benefit of members and their beneficiaries and for defraying reasonable administrative expenses of the retirement system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purposes other than for such exclusive benefit or for any purpose inconsistent with the requirements of sections 169.270 to 169.400.**

169.301. 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

**4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.**

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one



and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that, effective January 1, 1996, any retiree who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the retiree elected any of the options available under section 169.326. Provided, further, any retiree who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the retiree elected any of the options available under section 169.326). Any beneficiary of a deceased retiree who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, **provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system.** If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average **final** annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and the first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the statutory contribution rate;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and

including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.328. 1. Should a member cease to be a regular employee, except by retirement, the member, if living, shall be paid on demand, made by written notice to the board of trustees, the amount of the person's accumulated contributions (with interest as determined by the board of trustees as provided in sections 169.270 to 169.400) standing to the credit of the person's individual account in the employees' contribution fund. The accumulated contributions with interest shall not be paid to a member so long as the person remains a regular employee or before the member incurs a break in service. If the member dies before retirement such accumulated contributions (with interest) shall be paid to the member's estate or designated beneficiary unless the provisions of subsection 3 of section 169.326 apply.

2. If a former unvested member's accumulated contributions have not been withdrawn four years after the person has ceased to be a member (other than by reason of death or retirement), the board of trustees shall pay the same to such former member within a reasonable time after the expiration of such four-year period.

3. If, on account of undeliverability, improper mailing or forwarding address, or other similar problem, the board of trustees is unable to refund the accumulated contributions of a former unvested member or to commence payment of retirement benefits within four years after the end of the calendar year in which such former member ceased to be a regular employee, the board may transfer the accumulated contributions to the general reserve fund. If, thereafter, written application is made to the board of trustees for such refund or benefits, the board shall cause the same to be paid from the general reserve fund, but no interest shall be accrued after the end of the fourth year following the end of the calendar year in which such former member ceased to be a regular employee.

4. In its discretion the board of trustees may approve extensions of any time periods in this section on account of a former member's military or naval service, academic study or illness.

**5. Any member or beneficiary who is entitled to receive a distribution that is an eligible rollover distribution, as defined in Section 402(c)(4) of the Internal Revenue Code, may elect to have that distribution transferred directly to another eligible retirement plan, as defined in Section 402(c)(8) of the Internal Revenue Code, designated by the member or beneficiary in accordance with procedures established by the board of trustees. An eligible rollover distribution shall include a distribution to a nonspouse beneficiary that is treated as an eligible rollover distribution under Section 402(c)(11) of the Internal Revenue Code. All such transfers shall be made in compliance with**

**the requirements of Section 401(a)(31) of the Internal Revenue Code and regulations thereunder.”;**  
and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Engler offered **SA 8**:

**SENATE AMENDMENT NO. 8**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 98, Section 71.275, Line 16, by inserting after all of said line the following:

“71.285. 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may declare the weeds or trash to be a nuisance and order the same to be abated within five days; and in case the weeds or trash are not removed within the five days, the marshal or other designated city official shall have the weeds or trash removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. Notwithstanding the time limitations of this section, any city, town or village located in a county of the first classification may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated within five business days after the hearing and if such weeds or trash are not removed within five business days after the hearing, the order shall allow the city to immediately remove the weeds or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources or the department of conservation, the provisions of this subsection shall not apply to any city with a population of at least seventy thousand inhabitants which is located in a county of the first classification with a population of less than one hundred thousand inhabitants which adjoins a county with a population of less than one hundred thousand inhabitants that contains part of a city with a population of three hundred fifty thousand or more inhabitants, any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any city, town or village located within a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the City of St. Louis, where such city, town or village establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, or in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, the marshal or other designated city official may order that the weeds or trash be abated within five business days after notice is sent to or posted on the property. In case the weeds or trash are not removed within the five days, the marshal or other designated city official may have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section.

3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, [in any third class city with a population of at least ten thousand inhabitants but less than fifteen thousand inhabitants with the greater part of the population located in a county of the first classification, in any city of the third classification with more than sixteen thousand nine hundred but less than seventeen thousand inhabitants, or in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants] **or in any city of the third classification**, the marshal or other designated official may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

4. The provisions of this section shall not apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification where such city establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 9**, which was read:

## SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 15, Section 55.190, Line 5 of said page, by inserting after all of said line the following:

**“58.030. 1. No person shall be elected or appointed to the office of coroner unless he be a citizen of the United States, over the age of twenty-one years, and shall have resided within the state one whole year, and within the county for which he is elected, six months next preceding the election.**

**2. Each person elected or appointed to the office of coroner or deputy coroner shall complete the applicable annual training requirements under sections 58.095 and 58.096 within six months of the person's election or appointment.”; and**

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted.

At the request of Senator Griesheimer, **HCS for HB 1290**, with **SCS, SS No. 2 for SCS and SA 9** (pending), was placed on the Informal Calendar.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has dissolved the Conference Committee on **SCS for HCS for HB 2001** and has adopted **SCS for HCS for HB 2001** and has taken up and passed **SCS for HCS for HB 2001**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 773**.

With House Amendment No. 1.

## HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 773, Page 2, Section 362.111, Line 23, by inserting after all of said line the following:

**“620.1910. 1. This section shall be known and may be cited as the "Manufacturing Jobs Act".**

**2. As used in this section, the following terms mean:**

**(1) "Approval", a document submitted by the department to the qualified manufacturing facility or qualified supplier that states the benefits that may be provided under this section;**

**(2) "Capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing facility directly related to the manufacturing of a new product;**

**(3) "County average wage", the same meaning as provided under section 620.1878;**

**(4) "Department", the department of economic development;**

**(5) "Facility", a building or buildings located in Missouri at which the new product is manufactured;**

**(6) "Full-time job", a job for which a person is compensated for an average of at least thirty-five**

hours per week for a twelve-month period, and one for which the qualified manufacturing company or qualified supplier offers health insurance and pays at least fifty percent of such insurance premiums;

(7) "NAICS industry classification", the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(8) "New job", the same meaning as provided under section 620.1878;

(9) "New product", a new model or line of a manufactured good that has not been manufactured in Missouri by the qualified manufacturing company at any time prior to the date of the notice of intent;

(10) "Notice of intent", a form developed by the department, completed by the qualified manufacturing company or qualified supplier and submitted to the department which states the qualified manufacturing company's or qualified supplier's intent to create new jobs or retain current jobs and make additional capital investment, as applicable, and request benefits under this section. The notice of intent shall specify the minimum number of such new or retained jobs and the minimum amount of such capital investment;

(11) "Private funds", financing sources of the qualified manufacturing company for the retention or creation of jobs or capital investment which shall include equity or loans that require repayment and are from sources other than guaranteed funds directly attributed to the capital investment granted by Missouri or one or more of its local political subdivisions;

(12) "Qualified manufacturing company", a business that:

(a) Manufactures goods at a facility in Missouri;

(b) Derives more than ten percent of the facility's total annual sales from goods produced at the facility which are exported outside the United States or sold to the federal government for export outside the United States or that derives more than twenty percent of total annual sales of the facility from goods produced at the facility which are exported outside the state of Missouri;

(c) Commits to make a capital investment of at least one hundred thousand dollars per retained job within no more than two years of the date the qualified manufacturing company begins to retain withholding tax pursuant to this section;

(d) Manufactures a new product or has commenced making capital improvements to the facility necessary for the manufacturing of such new product; and

(e) Continues to meet the requirements of paragraphs (a) to (d) of this subdivision for a period of at least ten years from the date of the notice of intent;

(13) "Qualified supplier", a manufacturing company that:

(a) Attests to the department that it derives more than ten percent of the total annual sales of the company from sales to a qualified manufacturing facility;

(b) Adds five or more new jobs;

(c) Pays wages for such new jobs that are equal to or exceed the lower of the county average wage or the industry average wage for Missouri as determined by the department using NAICS industry

classifications, but not lower than sixty percent of the statewide average wage; and

(d) Provides health insurance to employees and pays at least fifty percent of the premiums of such insurance;

(14) "Retained job", the number of full-time jobs of persons employed by the qualified manufacturing company located at the project facility that existed as of the last working day of the month immediately preceding the month in which notice of intent is submitted;

(15) "Statewide average wage", an amount equal to the quotient of the sum of the total gross wages paid for the corresponding four calendar quarters divided by the average annual employment for such four calendar quarters, which shall be computed using the Quarterly Census of Employment and Wages Data for all Private Ownership Businesses in Missouri, as published by the Bureau of Labor Statistics of the United States Department of Labor;

(16) "Total annual sales", the denominator of the sales apportionment fraction reported on the Missouri tax return filed by the qualified manufacturing company or the qualified supplier for taxes imposed under chapter 143;

(17) "Withholding period", the ten year period in which a qualified manufacturing company may receive benefits under this section;

(18) "Withholding tax", the same meaning as provided under section 620.1878.

3. The department shall respond within thirty days to a qualified manufacturing company or a qualified supplier who provides a notice of intent with either an approval or a rejection of the notice of intent. Failure to respond on behalf of the department shall result in the notice of intent being deemed an approval for the purposes of this section.

4. A qualified manufacturing company may, upon the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain fifty percent of the withholding tax from full-time jobs at the facility for a period of ten years. Except as otherwise allowed under subsection 7 of this section, the commencement of the withholding period may be delayed by no more than twenty-four months after execution of the agreement at the option of the qualified manufacturing company. Such qualified manufacturing company shall be eligible for participation in the Missouri quality jobs program under sections 620.1875 to 620.1890 for any new jobs for which it does not retain withholding tax pursuant to this section, provided all qualifications for such program are met.

5. A qualified supplier may, upon approval of a notice of intent by the department, retain all withholding tax from new jobs for a period of three years from the date of approval of the notice of intent or for a period of five years if the supplier pays wages for the new jobs equal to or greater than one hundred twenty percent of county average wage. Notwithstanding any provision of law to the contrary, a qualified supplier that is awarded benefits under this section shall not receive any tax credit or exemption or be entitled to retain withholding under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, sections 135.900 to 135.906, sections 135.950 to 135.970, or section 620.1881 for the same jobs.

6. Notwithstanding any other provision of this section, the maximum amount of withholding tax that may be retained by any one qualified manufacturing company pursuant to this section shall not



exceed ten million dollars per calendar year. The aggregate amount of withholding tax that may be retained by all qualified manufacturing companies pursuant to this section shall not exceed fifteen million dollars per calendar year.

7. Notwithstanding any provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax credits or exemptions under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 for the jobs created or retained or capital improvement which qualified for benefits under this section. The benefits available to the qualified manufacturing company under any other state programs for which the qualified manufacturing company is eligible and which utilize withholding tax from the jobs at the facility shall first be credited to the other state program before the applicable withholding period for benefits provided under this section shall begin. These other state programs shall include, but are not limited to, the new jobs training program under sections 178.892 to 178.896, the job retention program under sections 178.760 to 178.764, the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any qualified manufacturing company also participates in the new jobs training program in sections 178.892 to 178.896, such qualified manufacturing company shall not retain any withholding tax that has already been allocated for use in the new jobs training program. Any taxpayer who is awarded benefits under this section who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any withholding taxes already retained. Subsection 5 of section 285.530 shall not apply to taxpayers awarded benefits under this program.

8. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

9. Within six months of completion of a notice of intent required under this section, the qualified manufacturing company shall enter into an agreement with the department that memorializes the contents of the notice of intent, the requirements of this section, and the consequences for failing to meet such requirements, which shall include the following:

(1) If the number of full-time jobs of the qualified manufacturing company at the facility falls below the number of full-time jobs specified within the notice of intent at any time during the withholding period, or if the amount of capital investment made by the qualified manufacturing company is not made within the two-year period provided for such investment, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at the facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period. In addition, the qualified manufacturing company shall repay any amounts of withholding tax retained plus interest of five percent per annum. However, in the event that such employment shortfall is due to economic conditions beyond the control of the qualified manufacturing

company, the director may, at the qualified manufacturing company's request, suspend rather than terminate its privilege to retain withholding tax pursuant to this section for up to three years. Any such suspension shall extend the withholding period by the same amount of time. No more than one such suspension shall be granted to a qualified manufacturing company;

(2) If the qualified manufacturing company discontinues the manufacturing of the new product and does not replace it with a subsequent or additional new product manufactured at the facility at any time during the withholding period, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at that facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period.

10. Prior to March first each year, the department shall provide a report to the general assembly including the names of participating qualified manufacturing companies or qualified suppliers, location of facilities or suppliers, the annual amount of benefits provided, the estimated net state fiscal impact including direct and indirect new state taxes derived, and the number of new jobs created or jobs retained.

11. Under section 23.253, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 2002** and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 2002**.

President Pro Tem Shields assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which were referred **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1868**, begs leave to report that it has considered the same and recommends that the Senate

Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 1497**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 1375**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HBs 1695, 1742 and 1674**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HBs 2262 and 2264**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 1516**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 1446**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

## **RESOLUTIONS**

Senator Shoemyer offered Senate Resolution No. 2345, regarding the Fortieth Anniversary of Scotland County Hospital, Memphis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2346, regarding Dr. Robert Ray, St. Louis, which was adopted.

Senator Champion offered Senate Resolution No. 2347, regarding Maggie Elizabeth Wright, Ozark, which was adopted.

On motion of Senator Engler, the Senate recessed until 7:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Lager.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 928**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 2003** and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 2003**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2004** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2004**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2005** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2005**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2006** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2006**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2007** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2007**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2008** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2008**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2009** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2009**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2010** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2010**.

Senator Engler announced that photographers from KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

### PRIVILEGED MOTIONS

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 2002** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2002

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2002.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2002.
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, be truly agreed to and finally passed.

#### FOR THE SENATE:

/s/ Robert N. Mayer

/s/ Kurt Schaefer

/s/ Joan Bray

/s/ Scott T. Rupp

/s/ Timothy P. Green

#### FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ Ryan Silvey

Sara Lampe

Rachel Bringer

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke
Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Stouffer	Vogel	Wilson	Wright-Jones—30		

#### NAYS—Senators

Crowell	Justus	McKenna	Shoemyer—4
---------	--------	---------	------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **SS** for **SCS** for **HCS** for **HB 2002**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2002

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Bartle	Crowell	Justus	Keaveny	McKenna	Shoemyer—6
--------	---------	--------	---------	---------	------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 2003** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2003

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House

Committee Substitute for House Bill No. 2003, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2003.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2003.
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2003, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert N. Mayer

/s/ Kurt Schaefer

/s/ Joan Bray

/s/ Scott T. Rupp

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ Ryan Silvey

Sara Lampe

/s/ Chris Kelly

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle              Crowell              Justus—3

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **SS** for **SCS** for **HCS** for **HB 2003**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to

be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle	Crowell	Justus—3
--------	---------	----------

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2004** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2004

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2004, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2004.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2004.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2004, be truly agreed to and finally passed.



## FOR THE SENATE:

/s/ Robert N. Mayer

/s/ Kurt Schaefer

/s/ Joan Bray

/s/ Scott T. Rupp

/s/ Timothy P. Green

## FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ Ryan Silvey

Sara Lampe

Sam Komo

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators

Bartle Crowell—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **SCS** for **HCS** for **HB 2004**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators

Bartle Crowell—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2005** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2005

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2005, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2005.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2005.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2005, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert N. Mayer

/s/ Kurt Schaefer

/s/ Joan Bray

/s/ Scott T. Rupp

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ Ryan Silvey

Sara Lampe

Rachel Bringer

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle                      Crowell                      Justus                      Ridgeway—4

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **SCS** for **HCS** for **HB 2005**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle                      Crowell                      Justus                      Ridgeway—4

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2006** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2006

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2006.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2006.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert N. Mayer

/s/ Kurt Schaefer

/s/ Joan Bray

/s/ Scott T. Rupp

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ Ryan Silvey

Belinda Harris

Rachel Bringer

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bartle	Crowell	Justus	Ridgeway—4
--------	---------	--------	------------

Absent—Senator Griesheimer—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **SCS** for **HCS** for **HB 2006**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2006

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of

Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2010 and ending June 30, 2011.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle	Crowell	Justus	Ridgeway—4
--------	---------	--------	------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2007** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2007

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2007.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2007.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, be truly agreed to and finally passed.

## FOR THE SENATE:

/s/ Robert N. Mayer

/s/ Kurt Schaefer

/s/ Joan Bray

/s/ Scott T. Rupp

/s/ Timothy P. Green

## FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ Ryan Silvey

Sam Komo

Rachel Bringer

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

## NAYS—Senators

Bartle	Crowell	Justus—3
--------	---------	----------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **SCS** for **HCS** for **HB 2007**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

## NAYS—Senators

Bartle	Crowell	Justus—3
--------	---------	----------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2008** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2008

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2008.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2008.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert N. Mayer

/s/ Kurt Schaefer

/s/ Joan Bray

/s/ Scott T. Rupp

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ Ryan Silvey

Sara Lampe

Belinda Harris

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Bartle                Crowell—2

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **SCS** for **HCS** for **HB 2008**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Bartle                Crowell—2

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2009** moved that the following conference committee report be taken up, which motion prevailed.



CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2009

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2009.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2009.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert N. Mayer

/s/ Kurt Schaefer

/s/ Joan Bray

/s/ Scott T. Rupp

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ Ryan Silvey

Belinda Harris

Rachel Bringer

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Bartle                      Crowell—2

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **SCS** for **HCS** for **HB 2009**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of

Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2010 and ending June 30, 2011.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Bartle                      Crowell—2

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2010** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2010

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2010.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2010.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, be truly agreed to and finally passed.

## FOR THE SENATE:

/s/ Robert N. Mayer

/s/ Kurt Schaefer

/s/ Joan Bray

/s/ Scott T. Rupp

/s/ Timothy P. Green

## FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ Ryan Silvey

Shalonn “Kiki” Curls

Rachel Bringer

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Lembke	Mayer	Nodler	Pearce	Purgason
Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Vogel	Wilson—24

## NAYS—Senators

Bartle	Bray	Crowell	Justus	Keaveny	Lager	McKenna	Shoemyer
Stouffer	Wright-Jones—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **SCS** for **HCS** for **HB 2010**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Lembke	Mayer	Nodler	Pearce	Purgason
Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Vogel	Wilson—24

## NAYS—Senators

Bartle	Bray	Crowell	Justus	Keaveny	Lager	McKenna	Shoemyer
Stouffer	Wright-Jones—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **SENATE BILLS FOR PERFECTION**

Senator Purgason moved that **SJR 29**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 2** for **SCS** for **SJR 29** was again taken up.

Senator Griesheimer assumed the Chair.

Senator Callahan offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 29, Page 4, Section 4(d), Line 10 of said page, by inserting after “America” the following: “; **or**

**(11) Purchases of firearms and ammunition**”.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Purgason, **SJR 29**, with **SCS**, **SS No. 2** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

### **INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, Head Coach Greg Buescher, Assistant Coaches Mark Anders and Dane Brooks, Managers Josten Foster, Brayden Kelly and Tanner Sandker and members of the Class 2 State Champion Sturgeon High School Boys Basketball team, Tory Hicks, Dakota Reeves, Zech Hickam, Trey Chisholm, Domenic Johnson, Taylor Wells, Garrett Kelly, Chris Chism, Lane Arends, Jordan Cranmer, Spencer Kelly and Steven Ross.

Senator Lager introduced to the Senate, students from Chillicothe Schools.

Senator Mayer introduced to the Senate, Jerry and Clara Bagby, Dexter.

Senator Justus introduced to the Senate, Lisa and Joel Pelofsky, Kansas City.

Senator Goodman introduced to the Senate, Michael and Wendy Dawson and their children, Emma, Jack and Christian, and Dolores Wabeke, Branson; and Emma, Jack and Christian were made honorary pages.

Senator Barnitz introduced to the Senate, Kim Hawk, Jackie Flynt, Greg Blair, Cheryl Vernon and students from Waynesville School District.

Senator Mayer introduced to the Senate, Director Patsy Reublin and Matt Hensley, Jessica Burton, Devin Busby, Lauren Collins, Rachel Barber, Jonnessa Yaber and Kenny Butler, representatives of the Bootheel Youth Museum.

Senator Schaefer introduced to the Senate, Sarah Shire and members of the University of Missouri Women's Gymnastics Team.

Senator Days introduced to the Senate, members of Alpha Kappa Alpha Sorority, Inc., St. Louis.

Senator Goodman introduced to the Senate, representatives of McDonald County High School Army JROTC.

Senator Wilson introduced to the Senate, Holly Phillips, Stephanie Hill, parents and students, Abena Adutwum, Marquaisha Loggins, Jacob Gavel, Osaywe Ighile, Tino Martin, Molly Buasri, Joseph Baleta, Stephon Jones and Fred Kelley from Hickman Mills School District, Kansas City.

Senator Scott introduced to the Senate, fourth grade students from El Dorado Springs Christian School.

Senator Schmitt introduced to the Senate, fourth grade students from Keysor Elementary School, Kirkwood; and Jack Adams, Lance Waigand, Nico Wiley and Bridgett Field were made honorary pages.

Senator Keaveny introduced to the Senate, his brother, John Keaveny and sister-in-law, Mary Ellen, St. Louis.

Senator Bartle introduced to the Senate, fourth grade students from Pleasant Lea Elementary School, Lee's Summit.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

SIXTY-FIRST DAY—THURSDAY, APRIL 29, 2010

---

## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

- |  |   |
|--|---|
| 1. SB 627-Justus (In Fiscal Oversight)                     | 7. SCS for SB 622-Shoemyer<br>(In Fiscal Oversight) |
| 2. SJR 20-Bartle (In Fiscal Oversight)                     | 8. SS for SB 1057-Shields (In Fiscal Oversight)     |
| 3. SB 779-Bartle (In Fiscal Oversight)                     | 9. SS for SB 1007-Dempsey<br>(In Fiscal Oversight)  |
| 4. SCS for SB 944-Shields (In Fiscal Oversight)            | 10. SCS for SB 969-Keaveny                          |
| 5. SB 1026-Rupp (In Fiscal Oversight)                      |   |
| 6. SS for SCS for SB 884-Schaefer<br>(In Fiscal Oversight) |   |

## HOUSE BILLS ON THIRD READING

- |   |   |
|---|---|
| 1. HCS for HB 1675, with SCS (Ridgeway)<br>(In Fiscal Oversight)  | 10. HCS for HBs 1311 & 1341, with SCS<br>(Rupp) (In Fiscal Oversight) |
| 2. HJR 76-Dethrow, et al, with SCS<br>(Purgason) (In Fiscal Oversight)                                  | 11. HB 2226, HB 1824, HB 1832 &<br>HB 1990-Wasson, with SCS (Scott)   |
| 3. HCS for HB 2048, with SCS (Lager)<br>(In Fiscal Oversight)   | 12. HB 1868-Scharnhorst, with SCS<br>(Shields)                        |
| 4. HCS for HBs 1408 & 1514 (Lembke)<br>(In Fiscal Oversight)  | 13. HCS for HB 1497 (Goodman)   |
| 5. HCS#2 for HBs 1692, 1209, 1405, 1499,<br>1535 & 1811, with SCS (Cunningham)<br>(In Fiscal Oversight) | 14. HCS for HB 1375, with SCS (Justus)                                |
| 6. HCS for HB 1764, with SCS (Rupp)   | 15. HCS for HBs 1695, 1742 & 1674, with<br>SCS (Schaefer)             |
| 7. HB 1713-Sander, et al (Schaefer)   | 16. HCS for HBs 2262 & 2264 (Stouffer)                                |
| 8. HCS for HB 1831, with SCS (Stouffer)   | 17. HCS for HB 1516, with SCS (Lager)                                 |
| 9. HCS for HBs 2147 & 2261 (Pearce)   | 18. HCS for HB 1446, with SCS (Pearce)                                |

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham  
(In Fiscal Oversight)

SCS for SB 826-Griesheimer  
SB 1001-Griesheimer

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
SB 587-Nodler and Cunningham, with SCS &  
SA 1 (pending)  
SB 596-Callahan, with SCS (pending)  
SB 606-Stouffer  
SBs 607, 602, 615 & 725-Stouffer, with  
SCS & SA 1 (pending)  
SB 639-Schmitt, with SCS & SS for SCS  
(pending)  
SB 643-Keaveny, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 698-Griesheimer, with SCS, SS for SCS  
& SA 1 (pending)

SB 705-Griesheimer  
SB 738-Crowell, with SCS  
SB 747-Rupp, et al, with SA 1 (pending)  
SB 784-Schaefer and Pearce  
SB 792-Dempsey and Rupp, with SS  
(pending)  
SB 797-Green  
SB 810-Lager, with SCS  
SB 818-Lembke, with SCS, SS for SCS &  
SA 1 (pending)  
SB 839-Wright-Jones, with SCS  
SB 852-Lager, et al, with SS, SA 1 &  
SSA 1 for SA 1 (pending)

SB 868-Shields  
SB 878-Lembke, with SCS & SS for SCS  
(pending)  
SBs 880, 780 & 836-Schaefer, with SCS,  
SS for SCS & SA 1 (pending)  
SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS, SS for  
SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
SSA 1 for SA 1 (pending)  
SB 896-Shields and Crowell, with SA 1  
(pending)  
SB 905-Bray, et al, with SCS & SS for  
SCS (pending)  
SB 999-Schaefer

SB 1016-Mayer, with SCS  
SB 1017-Mayer, with SCS (pending)  
SB 1060-Bartle, with SCS  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS, SS#2  
for SCS & SA 5 (pending)  
SJR 29-Purgason and Cunningham, with  
SCS, SS#2 for SCS & SA 1 (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1  
(pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

#### HOUSE BILLS ON THIRD READING

SS#2 for HB 1268-Meiners (Justus)  
(In Fiscal Oversight)  
HCS for HB 1290, with SCS, SS#2 for SCS  
& SA 9 (pending) (Griesheimer)  
HB 1424-Franz, with SCS (pending) (McKenna)  
SS for SCS for HB 1442-Jones (89), et al  
(Nodler) (In Fiscal Oversight)  
HCS#2 for HB 1472 (Schaefer)  
HB 1595-Dugger, et al (Purgason)  
HB 1609-Diehl, with SCS & SS for SCS  
(pending) (Bartle)

HCS for HB 1893, with SCA 1 (Schaefer)  
HB 1894-Bringer (Bray) (In Fiscal Oversight)  
SCS for HCS for HB 1965-Cunningham  
(In Fiscal Oversight)  
HB 2109-Ruzicka, with SCS (Lager)  
SS for SCS for HB 2111-Faith, et al  
(Stouffer) (In Fiscal Oversight)  
HCS for HJR 86, with SCS & SS for SCS  
(pending) (Stouffer)

#### CONSENT CALENDAR

House Bills

Reported 4/15

HCS for HB 1858, with SCS (Shoemyer)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 773-Dempsey, with HA 1

**BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES****In Conference**

HCS for HB 2011, with SCS (Mayer)  
HCS for HB 2012, with SCS (Mayer)

HCS for HB 2013, with SCS (Mayer)

**RESOLUTIONS****Reported from Committee**

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer  
HCR 38-Icet, et al, with SCA 1 (Lembke)

HCS for HCRs 34 & 35 (Schmitt)  
SR 1744-Shields  
SCR 57-Ridgeway

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-FIRST DAY—THURSDAY, APRIL 29, 2010**

---

The Senate met pursuant to adjournment.

Senator Stouffer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Don't let your brain interfere with your heart.” (Albert Einstein)

Lord God, we bring another week to a close with the work we complete today. We pray that we have carefully thought through all the implications of the actions we have taken and the work we do. As we go home this afternoon, help us to process the week and debrief ourselves so we can let our brains rest and not get in the way of our hearts. May our hearts be free to express the appreciation of our families who make it possible for us to be here; and for their understanding how our thoughts and actions often are centered here other than on loved ones and constituents. We ask that our hearts speak to the hearts of our loved ones, enjoying those You have given us to love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

### RESOLUTIONS

Senator Pearce offered Senate Resolution No. 2348, regarding Rachelle Reynolds, which was adopted.

Senator Crowell offered Senate Resolution No. 2349, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William DeBrock, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2350, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ron Bohnert, which was adopted.

Senator Barnitz offered Senate Resolution No. 2351, regarding Agnes Nilges, Linn, which was adopted.

Senator Days offered Senate Resolution No. 2352, regarding Karessa L. Turner, Surprise, Arizona, which was adopted.

Senator Pearce offered Senate Resolution No. 2353, regarding Chuck Appleton, Warrensburg, which was adopted.

Senator Rupp offered Senate Resolution No. 2354, regarding Joshua Colin Hespen, which was adopted.

Senator Goodman offered Senate Resolution No. 2355, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jackie Ray Langston, Hurley, which was adopted.

Senator Goodman offered Senate Resolution No. 2356, regarding Trevor Levi Pointer, Anderson, which was adopted.

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 928**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Shields assumed the Chair.

### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SB 928**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

### REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 2048**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was

referred **SS** for **SCS** for **HB 1442**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HBs 1408** and **1514**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 2** for **HB 1268**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 1026**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SB 1007**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer assumed the Chair.

### THIRD READING OF SENATE BILLS

**SB 1026**, introduced by Senator Rupp, entitled:

An Act to repeal section 288.040, RSMo, and to enact in lieu thereof one new section relating to the denial of unemployment benefits.

Was taken up.

On motion of Senator Rupp, **SB 1026** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Lager—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**SS for SB 1007**, introduced by Senator Dempsey, entitled:

**SENATE SUBSTITUTE FOR  
SENATE BILL NO. 1007**

An Act to repeal sections 208.010, 208.215, 208.453, 208.895, 208.909, 208.918, and 660.300, RSMo, and to enact in lieu thereof nine new sections relating to public assistance programs administered by the state, with penalty provisions for a certain section.

Was taken up.

On motion of Senator Dempsey, **SS for SB 1007** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer	Nodler
Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Stouffer
Vogel	Wilson	Wright-Jones—27					

**NAYS—Senators**

Barnitz	Bray	Justus	Keaveny	McKenna	Pearce	Shoemyer—7
---------	------	--------	---------	---------	--------	------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HCS for HB 2011** and has taken up and passed **CCS for SCS for HCS for HB 2011**.

**PRIVILEGED MOTIONS**

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the

House on **SCS** for **HCS** for **HB 2011** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2011

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2011.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2011.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert N. Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott T. Rupp  
/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey  
Shalonn “Kiki” Curls  
Rachel Bringer

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle	Crowell	Justus	Lager—4
--------	---------	--------	---------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **SCS** for **HCS** for **HB 2011**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social

Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Bartle	Crowell	Justus	Lager—4
--------	---------	--------	---------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

Senator Justus moved that **SS No. 2** for **HB 1268**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS No. 2** for **HB 1268**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senator Cunningham—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senator Cunningham—1

Absent—Senator Wright-Jones—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Nodler moved that **SS** for **SCS** for **HB 1442**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HB 1442**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny

Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2012** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2012**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2013** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2013**.

### PRIVILEGED MOTIONS

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2012** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2012

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2012, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2012.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2012.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House



Committee Substitute for House Bill No. 2012, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Robert N. Mayer

/s/ Kurt Schaefer

/s/ Joan Bray

/s/ Scott T. Rupp

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Rick Stream

/s/ Ryan Silvey

/s/ Chris Kelly

Rachel Bringer

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Bartle	Crowell	Lembke—3
--------	---------	----------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **SCS** for **HCS** for **HB 2012**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2010 and ending June 30, 2011.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Bartle	Crowell	Lembke—3
--------	---------	----------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 2048**, with **SCS**, was placed on the Informal Calendar.

### REFERRALS

President Pro Tem Shields referred **HCS** for **HB 1497** and **HCS** for **HBs 1695, 1742 and 1674**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

### HOUSE BILLS ON THIRD READING

**HCS** for **HBs 1408 and 1514**, entitled:

An Act to repeal sections 32.069 and 143.811, RSMo, and to enact in lieu thereof two new sections relating to interest on overpayments of taxes, with an emergency clause.

Was taken up by Senator Lembke.

Senator Lembke offered **SS** for **HCS** for **HBs 1408 and 1514**, entitled:

### SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 1408 and 1514

An Act to repeal sections 32.069 and 143.811, RSMo, and to enact in lieu thereof two new sections

relating to interest on overpayments of taxes, with an emergency clause.

Senator Lembke moved that **SS** for **HCS** for **HBs 1408** and **1514** be adopted, which motion prevailed.

Senator Lembke moved that **SS** for **HCS** for **HBs 1408** and **1514** be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SS** for **HCS** for **HBs 1408** and **1514** to the Committee on Governmental Accountability and Fiscal Oversight.

### PRIVILEGED MOTIONS

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2013** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2013

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2013, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2013.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2013.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2013, be truly agreed to and finally passed.

#### FOR THE SENATE:

/s/ Robert N. Mayer  
/s/ Kurt Schaefer  
/s/ Joan Bray  
/s/ Scott T. Rupp  
/s/ Timothy P. Green

#### FOR THE HOUSE:

/s/ Allen Icet  
/s/ Rick Stream  
/s/ Ryan Silvey  
Sara Lampe  
/s/ Chris Kelly

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **SCS** for **HCS** for **HB 2013**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2013

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2010 and ending June 30, 2011.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1400**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to business premises safety.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2201**, entitled:

An Act to repeal sections 443.701, 443.703, 443.731, and 443.849, RSMo, and to enact in lieu thereof five new sections relating to the Missouri secure and fair enforcement residential mortgage licensing act, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1521** and **1302**, entitled:

An Act to repeal sections 43.401, 210.1012, and 210.1014, RSMo, and to enact in lieu thereof three new sections relating to the Amber alert and Silver alert system, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **INTRODUCTIONS OF GUESTS**

Senator Shoemyer introduced to the Senate, Mrs. Roach and fourth grade students from Holy Family School, Hannibal.

Senator Rupp introduced to the Senate, Allison and Marty Bunch and their children, Matthew and Katie, Ellsberry; and Matthew and Katie were made honorary pages.

Senator Schmitt introduced to the Senate, Meredith Gibbons, Kirkwood.

Senator Lembke introduced to the Senate, Emily Ryan, David Lecko, and Jaclyn Hasch, representatives of University of Missouri Undergraduate Research Day and Pat and Pete Lecko.

Senator Lager introduced to the Senate, teachers, parents and students from Rock Port Elementary School.

Senator Pearce introduced to the Senate, the Physician of the Day, Dr. William Turner, M.D. and Marie McCulloch, Nevada.

Senator Shields introduced to the Senate, Deb Wehr, Stefanie Musser, Nicole Hinckley and fourth grade students from Hyde Elementary School, St. Joseph.

Senator Shields introduced to the Senate, Gina Babcock, Kirsten Hutchison, Amy Brendle and fourth grade students from Pickett Elementary School, St. Joseph.

Senator Schaefer introduced to the Senate, forty representatives of University of Missouri Undergraduate Research Day.

Senator Goodman introduced to the Senate, fourth grade students from Mt. Vernon Intermediate School; and Jordan Adams, Alex Hannaford, Emma Prewitt, Meghan Raucher and Derek Wilcock were made honorary pages.

Senator Mayer introduced to the Senate, Tammy Spencer, Melissa Lovette, parents and fifty-eight sixth grade students from Neelyville Elementary School.

Senator Champion introduced to the Senate, fourth grade students from Summit Preparatory School, Springfield.

Senator Cunningham introduced to the Senate, students from Chesterfield Day School.

Senator Bray introduced to the Senate, Denise Kuse, Debbie Foster, Brittany Garcia, Deandre Thomas and one hundred twelve fourth grade students from Drummund Elementary School, St. Ann.

Senator Ridgeway introduced to the Senate, thirty-nine fourth grade students from St. James Catholic Elementary School, Liberty.

On motion of Senator Engler, the Senate adjourned until 3:00 p.m., Monday, May 3, 2010.

## SENATE CALENDAR

---

SIXTY-SECOND DAY—MONDAY, MAY 3, 2010

---

## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 1400

HCS for HBs 1521 & 1302

HCS for HB 2201

### THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)

SCS for SB 622-Shoemyer

SJR 20-Bartle (In Fiscal Oversight)

(In Fiscal Oversight)

SB 779-Bartle (In Fiscal Oversight)

SS for SB 1057-Shields

SCS for SB 944-Shields (In Fiscal Oversight)

(In Fiscal Oversight)

SS for SCS for SB 884-Schaefer

SCS for SB 969-Keaveny

(In Fiscal Oversight)

HOUSE BILLS ON THIRD READING

- |   |   |
|---|---|
| 1. HCS for HB 1675, with SCS (Ridgeway)<br>(In Fiscal Oversight)  | 9. HB 2226, HB 1824, HB 1832<br>& HB 1990-Wasson, with SCS (Scott)              |
| 2. HJR 76-Dethrow, et al, with SCS<br>(Purgason) (In Fiscal Oversight)                                  | 10. HB 1868-Scharnhorst, with SCS (Shields)                                     |
| 3. HCS#2 for HBs 1692, 1209, 1405, 1499,<br>1535 & 1811, with SCS (Cunningham)<br>(In Fiscal Oversight) | 11. HCS for HB 1497 (Goodman)<br>(In Fiscal Oversight)                          |
| 4. HCS for HB 1764, with SCS (Rupp)   | 12. HCS for HB 1375, with SCS (Justus)  |
| 5. HB 1713-Sander, et al (Schaefer)   | 13. HCS for HBs 1695, 1742 & 1674,<br>with SCS (Schaefer) (In Fiscal Oversight) |
| 6. HCS for HB 1831, with SCS (Stouffer)   | 14. HCS for HBs 2262 & 2264 (Stouffer)  |
| 7. HCS for HBs 2147 & 2261 (Pearce)   | 15. HCS for HB 1516, with SCS (Lager)   |
| 8. HCS for HBs 1311 & 1341, with SCS<br>(Rupp) (In Fiscal Oversight)                                    | 16. HCS for HB 1446, with SCS (Pearce)  |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- |  |   |
|--|---|
| SCS for SB 631-Cunningham<br>(In Fiscal Oversight) | SCS for SB 826-Griesheimer<br>SB 1001-Griesheimer |
|--|---|

SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 579-Shields, with SCS   | SB 705-Griesheimer   |
| SB 587-Nodler and Cunningham,<br>with SCS & SA 1 (pending)             | SB 738-Crowell, with SCS   |
| SB 596-Callahan, with SCS (pending)                                    | SB 747-Rupp, et al, with SA 1 (pending)                          |
| SB 606-Stouffer  | SB 784-Schaefer and Pearce                                       |
| SBs 607, 602, 615 & 725-Stouffer,<br>with SCS & SA 1 (pending)         | SB 792-Dempsey and Rupp, with SS<br>(pending)                    |
| SB 639-Schmitt, with SCS & SS for SCS<br>(pending)                     | SB 797-Green   |
| SB 643-Keaveny, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending) | SB 810-Lager, with SCS   |
| SB 698-Griesheimer, with SCS,<br>SS for SCS & SA 1 (pending)           | SB 818-Lembke, with SCS, SS for SCS<br>& SA 1 (pending)          |
|  | SB 839-Wright-Jones, with SCS                                    |
|  | SB 852-Lager, et al, with SS, SA 1<br>& SSA 1 for SA 1 (pending) |

SB 868-Shields  
 SB 878-Lembke, with SCS & SS for SCS  
 (pending)  
 SBs 880, 780 & 836-Schaefer, with SCS,  
 SS for SCS & SA 1 (pending)  
 SBs 895, 813, 911, 924, 922 &  
 802-Dempsey, et al, with SCS, SS for  
 SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
 SSA 1 for SA 1 (pending)  
 SB 896-Shields and Crowell, with SA 1  
 (pending)  
 SB 905-Bray, et al, with SCS & SS for  
 SCS (pending)  
 SB 999-Schaefer

SB 1016-Mayer, with SCS  
 SB 1017-Mayer, with SCS (pending)  
 SB 1060-Bartle, with SCS  
 SJR 22-Callahan  
 SJR 25-Cunningham, et al, with SCS,  
 SS#2 for SCS & SA 5 (pending)  
 SJR 29-Purgason and Cunningham, with  
 SCS, SS#2 for SCS & SA 1 (pending)  
 SJR 31-Scott  
 SJR 33-Bartle, with SA 1 (pending)  
 SJR 34-Goodman, et al, with SA 1  
 (pending)  
 SJR 38-Ridgeway  
 SJR 40-Goodman, with SA 1 (pending)

#### HOUSE BILLS ON THIRD READING

HCS for HB 1290, with SCS, SS#2 for SCS  
 & SA 9 (pending) (Griesheimer)  
 SS for HCS for HBs 1408 & 1514 (Lembke)  
 (In Fiscal Oversight)  
 HB 1424-Franz, with SCS (pending) (McKenna)  
 HCS#2 for HB 1472 (Schaefer)  
 HB 1595-Dugger, et al (Purgason)  
 HB 1609-Diehl, with SCS & SS for SCS  
 (pending) (Bartle)  
 HCS for HB 1893, with SCA 1 (Dempsey)

HB 1894-Bringer (Bray) (In Fiscal Oversight)  
 SCS for HCS for HB 1965-Cunningham  
 (In Fiscal Oversight)  
 HCS for HB 2048, with SCS (Lager)  
 HB 2109-Ruzicka, with SCS (Lager)  
 SS for SCS for HB 2111-Faith, et al (Stouffer)  
 (In Fiscal Oversight)  
 HCS for HJR 86, with SCS & SS for SCS  
 (pending) (Stouffer)

#### CONSENT CALENDAR

House Bills

Reported 4/15

HCS for HB 1858, with SCS (Shoemyer)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 773-Dempsey, with HA 1



RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1

HCS for HCR 18, with SA 1 (pending) (Rupp)

SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)

HCS for HCRs 34 & 35 (Schmitt)

SR 1744-Shields

SCR 57-Ridgeway

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-SECOND DAY—MONDAY, MAY 3, 2010**

---

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“His compassions fail not. They are new each morning.” (Lamentations 3:23)

Lord, it has been another weekend of devastating weather, a growing ecological disaster and challenges from many quarters. Yet, we are thankful for Your uncounted mercies that provide us with strength to do what we can and wisdom to direct our actions in effective and helpful ways. Bless us and guide us this week that amid the growing pressure and diminishing time left to us we may be faithful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Engler moved the Journal for Thursday, April 29, 2010, be corrected on page 1148, line 20 by inserting the following:

### **“BILLS DELIVERED TO THE GOVERNOR**

**SS** for **SB 928**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of Senate.”, which motion prevailed.

The Journal for Thursday, April 29, 2010 was approved as corrected.

The following Senators were present during the day’s proceedings:

#### Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## **RESOLUTIONS**

Senator Purgason offered Senate Resolution No. 2357, regarding Shane P. Bell, which was adopted.

Senator Engler offered Senate Resolution No. 2358, regarding Dylan Briggs, Kirksville, which was adopted.

Senator Engler offered Senate Resolution No. 2359, regarding G. Scott Tapp, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 2360, regarding Lyndsey Mertzluft, Bunker, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2361, regarding Phylicia Johnson, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2362, regarding Alexandra Marie Menz, Chesterfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2363, regarding Kristen Nicole Ingram, St. Louis, which was adopted.

Senator Barnitz offered Senate Resolution No. 2364, regarding Walt Beetem, which was adopted.

Senator Crowell offered Senate Resolution No. 2365, regarding Marilyn Turner, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2366, regarding Carolyn Campbell, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2367, regarding Jeanne Heise, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2368, regarding Hugh Davis, Cape Girardeau, which was adopted.

Senator Lager offered Senate Resolution No. 2369, regarding Dr. Caleb Guernsey, Bethany, which was adopted.

Senator Lager offered Senate Resolution No. 2370, regarding Kristi Urich, Laredo, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2371, regarding Cheryl Polk, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2372, regarding Carol Daniel, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2373, regarding Darlene Green, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2374, regarding Debbie Pyzyk, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2375, regarding Donna Wilkinson, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2376, regarding Gwendolyn Packnett, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2377, regarding Jackie Joyner-Kersey, East St. Louis, Illinois, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2378, regarding Johnetta Haley, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2379, regarding Lois Conley, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2380, regarding Marlene Davis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2381, regarding Merdean Fielding-Gales, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2382, regarding Pat Shannon-VanMatre, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2383, regarding Sr. Mary Jean Ryan, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2384, regarding Thelma Steward, which was adopted.

Senator Barnitz offered Senate Resolution No. 2385, regarding Peggy Brown, which was adopted.

Senator Barnitz offered Senate Resolution No. 2386, regarding Gwen Parker, which was adopted.

Senator Shields offered Senate Resolution No. 2387, regarding Nathan T. Wilson, which was adopted.

Senator Schmitt offered Senate Resolution No. 2388, regarding Shirley Deuser-Snyder, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 2389, regarding Miles Christian Crow, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2390, regarding Richard Mellencamp, which was adopted.

Senator Stouffer offered Senate Resolution No. 2391, regarding Maralee J. Grider, which was adopted.

Senator Stouffer offered Senate Resolution No. 2392, regarding Linda S. Feitz, which was adopted.

Senator Stouffer offered Senate Resolution No. 2393, regarding Connie Macoubrie, which was adopted.

Senator Stouffer offered Senate Resolution No. 2394, regarding Karen S. Freeman, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2395, regarding Eugenia Kay Ruddock, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2396, regarding Mary P. Zapp, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 2397, regarding Nancy Whipkins, Carrollton, which was adopted.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 1764**, with **SCS**, was placed on the Informal Calendar.

**HB 1713**, introduced by Representative Sander, et al, entitled:

An Act to repeal section 376.816, RSMo, and to enact in lieu thereof one new section relating to health insurance for adopted children.

Was taken up by Senator Schaefer.

Senator Schaefer offered **SS** for **HB 1713**, entitled:

### SENATE SUBSTITUTE FOR HOUSE BILL NO. 1713

An Act to repeal sections 376.427 and 376.816, RSMo, and to enact in lieu thereof two new sections relating to health insurance.

Senator Schaefer moved that **SS** for **HB 1713** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **HB 1713** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	Nodler	Pearce	Purgason	Ridgeway	Schaefer	Schmitt	Shields
Shoemyer	Vogel	Wilson—27					

#### NAYS—Senators

Scott                      Stouffer—2

#### Absent—Senators

Clemens              Green              Rupp              Wright-Jones—4

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1831**, with **SCS**, entitled:

An Act to amend chapter 177, RSMo, by adding thereto one new section relating to real property

donated to school districts.

Was taken up by Senator Stouffer.

**SCS** for **HCS** for **HB 1831**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1831

An Act to amend chapter 177, RSMo, by adding thereto one new section relating to real property donated to school districts.

Was taken up.

Senator Stouffer moved that **SCS** for **HCS** for **HB 1831** be adopted, which motion prevailed.

Senator Ridgeway assumed the Chair.

On motion of Senator Stouffer, **SCS** for **HCS** for **HB 1831** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Clemens	Cunningham	Days	Engler	Griesheimer
Mayer	Nodler	Pearce	Rupp	Scott	Shields	Shoemyer	Stouffer
Vogel	Wright-Jones—18						

NAYS—Senators

Bray	Champion	Crowell	Dempsey	Goodman	Justus	Keaveny	Lager
Lembke	Purgason	Ridgeway	Schmitt	Wilson—13			

Absent—Senators

Green	Schaefer—2
-------	------------

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS** for **HBs 2147** and **2261**, entitled:

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to the A+ schools program.

Was taken up by Senator Pearce.

Senator Barnitz offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill Nos. 2147 and 2261, Page 1, In the Title, Lines 2-3, by striking “the A+ schools program” and inserting in lieu thereof the following: “higher education scholarships.”; and

Further amend said bill, page 4, section 160.545, line 99, by inserting immediately after said line the following:

**“173.245. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:**

**(1) “Approved institution of higher education”, an educational institution located in Missouri which:**

**(a) Is directly controlled or administered by a public agency or political subdivision;**

**(b) Receives appropriations directly or indirectly from the general assembly for operating expenses;**

**(c) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;**

**(d) Meets the standards for accreditation as determined by either the North Central Association of Colleges and Secondary Schools, or if a public junior college created under the provisions of sections 178.370 to 178.400, meets the standards established by the coordinating board for higher education for such public junior colleges, or by other accrediting bodies recognized by the United States Office of Education or by utilizing accreditation standards applicable to the institution as established by the coordinating board for higher education;**

**(e) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto;**

**(f) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;**

**(2) “Board”, the coordinating board for higher education;**

**(3) “Books”, any books required for any course for which tuition was paid by a grant awarded under this section;**

**(4) “Grant”, the Missouri national guard and Missouri reservists family education grant as established in this section;**

**(5) “Institution of postsecondary education”, any approved Missouri public institution of higher education, as defined in subdivision (1) of this subsection;**

**(6) “Tuition”, any tuition or incidental fee or both charged by an institution of postsecondary education, as defined in this section, for attendance at the institution by a student as a resident of this state.**

**2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall annually award grants to:**

(1) Children of members of the Missouri national guard or Missouri reservists with the United States reserves, who honorably served on Title 10 active duty status at any time since September 11, 2001, and ending January 1, 2016, in support of the global war on terrorism and the child meets specific financial guidelines established by the board; and

(2) Spouses of members of the Missouri national guard or Missouri reservists with the United States reserves, if the member or reservist was injured or killed while deployed in support of the global war on terrorism and the extent of the injury and its effect on the member's or reservist's ability to return to his or her profession after discharge from the national guard meets specific guidelines established by the board.

3. A child or spouse may receive a grant up to four years after the active duty was completed under this section only so long as the child or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate degree regardless of age. No child or spouse shall receive more than one hundred percent of tuition and books when combined with similar funds made available to such child or spouse.

4. The coordinating board for higher education shall:

(1) Administer the grant program established under this section;

(2) Promulgate all necessary rules and regulations for the implementation of this section;

(3) Determine minimum standards of performance in order for a child or spouse to remain eligible to receive a grant under this program;

(4) Make available on behalf of a child or spouse an amount toward the child's or spouse's tuition, room and board, and books which is equal to the grant to which the child or spouse is entitled under the provisions of this section;

(5) Provide the forms and determine the procedures necessary for a child or spouse to apply for and receive a grant under this program.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

6. In order to be eligible to receive a grant under this section, the performance of military active duty in the global war on terrorism shall be certified by a Missouri national guard officer or an appropriate designee of the Missouri veterans commission.

7. A child or spouse who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education shall receive a grant in an amount not to exceed the actual tuition, as defined in this section, an allowance of up to two thousand dollars per semester for room and board, and the actual cost of books, as defined in this section, up to a maximum of five hundred dollars per semester, charged at an approved institution of postsecondary education where the child or spouse is enrolled or accepted for enrollment.



**8. A child or spouse who is a recipient of a grant may transfer from one approved public institution of postsecondary education to another without losing his or her entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the institution shall pay the portion of the refund to which he or she is entitled attributable to the grant for that semester or similar grading period to the board.**

**9. If a child or spouse is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the eligible child or spouse at the time the award is received.**

**10. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.**

**11. The benefits conferred by this section shall be available to any academically qualified child or spouse of a member of the Missouri national guard or a Missouri resident who is a member of the United States military reserves. Children who are eligible shall be permitted to apply for full benefits conferred by this section until they reach twenty-five years of age.**

**12. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and**

**(3) This section, shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted, which motion failed.

On motion of Senator Pearce, **HCS** for **HBs 2147** and **2261** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 2226**, introduced by Representative Wasson, **HB 1824**, introduced by Representative Sutherland, **HB 1832**, introduced by Representative Wells, et al, and **HB 1990**, introduced by Representative Wells, et al, with **SCS**, entitled respectively:

An Act to repeal sections 337.700, 337.703, 337.706, 337.715, 337.718, 337.727, and 337.739, RSMo, and to enact in lieu thereof eight new sections relating to marital and family therapists.

An Act to repeal sections 337.600, 337.603, 337.615, 337.618, and 337.643, RSMo, and to enact in lieu thereof five new sections relating to social workers.

An Act to repeal section 337.528, RSMo, and to enact in lieu thereof one new section relating to professional counselors.

An Act to repeal section 335.081, RSMo, and to enact in lieu thereof two new sections relating to nurses.

Were taken up by Senator Scott.

**SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2226,  
HOUSE BILL NO. 1824,  
HOUSE BILL NO. 1832  
and  
HOUSE BILL NO. 1990

An Act to repeal sections 194.350, 324.1100, 324.1110, 324.1112, 324.1114, 324.1124, 324.1126, 324.1128, 324.1132, 324.1134, 324.1136, 324.1140, 332.011, 334.100, 334.506, 334.613, 335.081, 337.528, 337.600, 337.603, 337.615, 337.618, 337.643, 337.700, 337.703, 337.706, 337.715, 337.718, 337.727, 337.739, 338.333, 338.335, 338.337, 383.130, and 383.133, RSMo, and section 324.1102 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute for senate substitute for senate committee

substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and to enact in lieu thereof forty-four new sections relating to the regulation of certain professions, with penalty provisions for certain sections.

Was taken up.

Senator Scott moved that **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990** be adopted.

Senator Scott offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 3, Section 194.350, Lines 1-30, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 3, Section 194.350, Line 30, by inserting after all of said line the following:

“214.160. The county commission shall invest or loan said trust fund or funds only in United States government, state, county or municipal bonds, [or] **certificates of deposit**, first real estate mortgages, or deeds of trust. They shall use the net income from said trust fund or funds or so much thereof as is necessary to support and maintain and beautify any public or private cemetery or any particular part thereof which may be designated by the person, persons or firm or association making said gift or bequest. In maintaining or supporting the cemetery or any particular part or portion thereof the commission shall as nearly as possible follow the expressed wishes of the creator of said trust fund.

214.270. As used in sections 214.270 to 214.410, the following terms mean:

(1) “Agent” or “authorized agent”, any person empowered by the cemetery operator to represent the operator in dealing with the general public, including owners of the burial space in the cemetery;

(2) “Burial space”, one or more than one plot, grave, mausoleum, crypt, lawn, surface lawn crypt, niche or space used or intended for the interment of the human dead;

(3) “Burial merchandise”, a monument, marker, memorial, tombstone, headstone, urn, outer burial container, or similar article which may contain specific lettering, shape, color, or design as specified by the purchaser;

(4) “Cemetery”, property restricted in use for the interment of the human dead by formal dedication or reservation by deed but shall not include any of the foregoing held or operated by the state or federal government or any political subdivision thereof, any incorporated city or town, any county or any religious organization, cemetery association or fraternal society holding the same for sale solely to members and their immediate families;

(5) “Cemetery association”, any number of persons who shall have associated themselves by articles

of agreement in writing as a not-for-profit association or organization, whether incorporated or unincorporated, formed for the purpose of ownership, preservation, care, maintenance, adornment and administration of a cemetery. Cemetery associations shall be governed by a board of directors. Directors shall serve without compensation;

(6) “Cemetery operator” or “operator”, any person who owns, controls, operates or manages a cemetery;

(7) “Cemetery prearranged contract”, any contract with a **cemetery or cemetery operator** for [goods and services covered by this chapter which includes a sale of burial merchandise in which delivery of merchandise or a valid warehouse receipt under sections 214.270 to 214.550 is deferred pursuant to written instructions from the purchaser. It shall also mean any contract for goods and services covered by sections 214.270 to 214.550 which includes a sale of burial services to be performed at a future date] **burial merchandise or burial services covered by sections 214.270 to 214.410 which is entered into before the death of the individual for whom the burial merchandise or burial services are intended;**

(8) “Cemetery service” or “burial service”, those services performed by a cemetery owner or operator licensed as an endowed care or nonendowed cemetery including setting a monument or marker, setting a tent, excavating a grave, interment, entombment, inurnment, setting a vault, or other related services within the cemetery;

(9) “Columbarium”, a building or structure for the inurnment of cremated human remains;

(10) “Community mausoleum”, a mausoleum containing a substantial area of enclosed space and having either a heating, ventilating or air conditioning system;

(11) “Department”, department of insurance, financial institutions and professional registration;

(12) “Developed acreage”, the area which has been platted into grave spaces and has been developed with roads, paths, features, or ornamentations and in which burials can be made;

(13) “Director”, director of the division of professional registration;

(14) “Division”, division of professional registration;

(15) “Endowed care”, the maintenance, repair and care of all burial space subject to the endowment within a cemetery, including any improvements made for the benefit of such burial space. Endowed care shall include the general overhead expenses needed to accomplish such maintenance, repair, care and improvements. Endowed care shall include the terms perpetual care, permanent care, continual care, eternal care, care of duration, or any like term;

(16) “Endowed care cemetery”, a cemetery, or a section of a cemetery, which represents itself as offering endowed care and which complies with the provisions of sections 214.270 to 214.410;

(17) “Endowed care fund”, “endowed care trust”, or “trust”, any cash or cash equivalent, to include any income therefrom, impressed with a trust by the terms of any gift, grant, contribution, payment, devise or bequest to an endowed care cemetery, or its endowed care trust, or funds to be delivered to an endowed care cemetery's trust received pursuant to a contract and accepted by any endowed care cemetery operator or his agent. This definition includes the terms endowed care funds, maintenance funds, memorial care funds, perpetual care funds, or any like term;

(18) “Escrow account”, an account established in lieu of an endowed care fund as provided under section 214.330 or an account used to hold deposits under section 214.387;

(19) “Escrow agent”, an attorney, title company, certified public accountant or other person authorized by the division to exercise escrow powers under the laws of this state;

(20) “Escrow agreement”, an agreement subject to approval by the office between an escrow agent and a cemetery operator or its agent or related party with common ownership, to receive and administer payments under cemetery prearranged contracts sold by the cemetery operator;

(21) “Family burial ground”, a cemetery in which no burial space is sold to the public and in which interments are restricted to persons related by blood or marriage;

(22) “Fraternal cemetery”, a cemetery owned, operated, controlled or managed by any fraternal organization or auxiliary organizations thereof, in which the sale of burial space is restricted solely to its members and their immediate families;

(23) “Garden mausoleum”, a mausoleum without a substantial area of enclosed space and having its crypt and niche fronts open to the atmosphere. Ventilation of the crypts by forced air or otherwise does not constitute a garden mausoleum as a community mausoleum;

(24) “Government cemetery”, or “municipal cemetery”, a cemetery owned, operated, controlled or managed by the federal government, the state or a political subdivision of the state, including a county or municipality or instrumentality thereof;

(25) “Grave” or “plot”, a place of ground in a cemetery, used or intended to be used for burial of human remains;

(26) “Human remains”, the body of a deceased person in any state of decomposition, as well as cremated remains;

(27) “Inurnment”, placing an urn containing cremated remains in a burial space;

(28) “Lawn crypt”, a burial vault or other permanent container for a casket which is permanently installed below ground prior to the time of the actual interment. A lawn crypt may permit single or multiple interments in a grave space;

(29) “Mausoleum”, a structure or building for the entombment of human remains in crypts;

(30) “Niche”, a space in a columbarium used or intended to be used for inurnment of cremated remains;

(31) “Nonendowed care cemetery”, or “nonendowed cemetery”, a cemetery or a section of a cemetery for which no endowed care trust fund has been established in accordance with sections 214.270 to 214.410;

(32) “Office”, the office of endowed care cemeteries within the division of professional registration;

(33) “Owner of burial space”, a person to whom the cemetery operator or his authorized agent has transferred the right of use of burial space;

(34) “Person”, an individual, corporation, partnership, joint venture, association, trust or any other legal entity;

(35) “Registry”, the list of cemeteries maintained in the division office for public review. The division may charge a fee for copies of the registry;

(36) “Religious cemetery”, a cemetery owned, operated, controlled or managed by any church, convention of churches, religious order or affiliated auxiliary thereof in which the sale of burial space is restricted solely to its members and their immediate families;

(37) “Surface lawn crypt”, a sealed burial chamber whose lid protrudes above the land surface;

(38) “Total acreage”, the entire tract which is dedicated to or reserved for cemetery purposes;

(39) “Trustee of an endowed care fund”, the separate legal entity **qualified under section 214.330** appointed as trustee of an endowed care fund.

214.276. 1. The division may refuse to issue or renew any license, required pursuant to sections 214.270 to 214.516 for one or any combination of causes stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621, RSMo, against any holder of any license, required by sections 214.270 to 214.516 or any person who has failed to surrender his or her license, for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 214.270 to 214.516;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to sections 214.270 to 214.516, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license, issued pursuant to sections 214.270 to 214.516 or in obtaining permission to take any examination given or required pursuant to sections 214.270 to 214.516;

(4) Obtaining or attempting to obtain any fee, charge or other compensation by fraud, deception or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession regulated by sections 214.270 to 214.516;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 214.270 to 214.516, or any lawful rule or regulation adopted pursuant to sections 214.270 to 214.516;

(7) Impersonation of any person holding a license or allowing any person to use his or her license;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 214.270 to 214.516 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 214.270 to 214.516 who is not registered and currently eligible to practice pursuant to sections 214.270 to 214.516;

(11) Issuance of a license based upon a material mistake of fact;

(12) Failure to display a valid license;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Willfully and through undue influence selling a burial space, cemetery services or merchandise.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the division may singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend, or revoke the license or permit **or may impose a penalty allowed by subsection 4 of section 214.410**. No new license shall be issued to the owner or operator of a cemetery or to any corporation controlled by such owner for three years after the revocation of the certificate of the owner or of a corporation controlled by the owner.

4. [Operators of all existing endowed care or nonendowed care cemeteries shall, prior to August twenty-eighth following August 28, 2001, apply for a license pursuant to this section. All endowed care or nonendowed care cemeteries operating in compliance with sections 214.270 to 214.516 prior to August twenty-eighth following August 28, 2001, shall be granted a license by the division upon receipt of application.

5.] The division may settle disputes arising under subsections 2 and 3 of this section by consent agreement or settlement agreement between the division and the holder of a license. Within such a settlement agreement, the division may singly or in combination impose any discipline or penalties allowed by this section or subsection 4 of section 214.410. Settlement of such disputes shall be entered into pursuant to the procedures set forth in section 621.045, RSMo.

**5. Use of the procedures set out in this section shall not preclude the application of any other remedy provided by this chapter.**

214.277. 1. Upon application by the division, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee.

2. [Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

3.] Any action brought pursuant to this section shall be in addition to and not in lieu of any penalty provided by this chapter and may be brought concurrently with other actions to enforce this chapter.

**214.282. 1. Each contract sold by a cemetery operator for cemetery services or for grave lots, grave spaces, markers, monuments, memorials, tombstones, crypts, niches, mausoleums, or other receptacles shall be voidable by the purchaser and deemed unenforceable unless:**

**(1) It is in writing;**

**(2) It is executed by a cemetery operator who is in compliance with the licensing provisions of this chapter;**

**(3) It identifies the contract purchaser and identifies the cemetery services or other items to be provided;**

**(4) It identifies the name and address of any trustee or escrow agent that will receive payments made pursuant to the contract under the provisions of sections 214.320, 214.330, or 214.387, if applicable;**

**(5) It contains the name and address of the cemetery operator; and**

**(6) It identifies any grounds for cancellation by the purchaser or by the cemetery operator on default of payment.**

**2. If a cemetery prearranged contract does not substantially comply with the provisions of this section, all payments made under such contract shall be recoverable by the purchaser, or the purchaser's legal representative, from the contract seller or other payee thereof, together with interest at the rate of ten percent per annum and all reasonable costs of collection, including attorneys' fees.**

**214.283. 1. Any person, entity, association, city, town, village, county or political subdivision that purchases, receives or holds any real estate used for the burial of dead human bodies, excluding a family burial ground, shall notify the office of the endowed care cemeteries of the name, location and address of such real estate on a form approved by the office, before October 1, 2010, or within thirty days of purchasing, receiving or holding such land or of being notified by the office of the requirements of this provision. No fee shall be charged for such notification nor shall any penalty be assessed for failure to register. This section shall not be deemed to exempt any operator of an endowed care cemetery or non-endowed care cemetery from being duly licensed as required by this chapter.**

**2. The division shall establish and maintain a registry of cemeteries and the registry shall be available to the public for review at the division office or copied upon request. The division may charge a fee for copies of the register.**

**(1) If, in the course of a land survey of property located in this state, a surveyor licensed pursuant to chapter 327, RSMo, locates any cemetery which has not been previously registered, the surveyor shall file a statement with the division regarding the location of the cemetery. The statement shall be filed on a form as defined by division rule. No fee shall be charged to the surveyor for such filing.**

**(2) Any person, family, group, association, society or county surveyor may submit to the division, on forms provided by the division, the names and locations of any cemetery located in this state for inclusion in the registry. No fee shall be charged for such submissions.**

**214.300. Any cemetery operator may, after October 13, 1961, qualify to operate a cemetery which has been operated as a nonendowed cemetery for a minimum of two years, as an endowed care cemetery by:**



(1) So electing in compliance with section 214.280;

(2) Establishing an endowed care **trust** fund in cash of one thousand dollars for each acre in said cemetery with a minimum of five thousand dollars and a maximum of twenty-five thousand dollars;

(3) Filing the report required by section 214.340.

214.310. 1. Any cemetery operator who elects to operate a new cemetery as an endowed care cemetery or who represents to the public that perpetual, permanent, endowed, continual, eternal care, care of duration or similar care will be furnished cemetery property sold shall create an endowed care **trust** fund and shall deposit a minimum of twenty-five thousand dollars for cemeteries that have in excess of one hundred burials annually or a minimum of five thousand dollars for cemeteries that have one hundred or less burials annually in such fund before selling or disposing of any burial space in said cemetery, or in lieu thereof such cemetery owner may furnish a surety bond issued by a bonding company or insurance company authorized to do business in this state in the face amount of thirty thousand dollars, and such bond shall run to the office of endowed care cemeteries for the benefit of the care **trust** funds held by such cemetery. This bond shall be for the purpose of guaranteeing an accumulation of twenty-five thousand dollars in such care **trust** fund and also for the further purpose of assuring that the cemetery owner shall provide annual perpetual or endowment care in an amount equal to the annual reasonable return on a secured cash investment of twenty-five thousand dollars until twenty-five thousand dollars is accumulated in said endowed care **trust** funds, and these shall be the conditions of such surety bond; provided, however, the liability of the principal and surety on the bond shall in no event exceed thirty thousand dollars. Provided further, that whenever a cemetery owner which has made an initial deposit to the endowed care **trust** fund demonstrates to the satisfaction of the administrator of the office of endowed care cemeteries that more than twenty-five thousand dollars has been accumulated in the endowed care **trust** fund, the cemetery owner may petition the administrator of the office of endowed care cemeteries for an order to dissolve the surety bond requirement, so long as at least twenty-five thousand dollars always remains in the endowed care **trust** fund.

2. Construction of a mausoleum, lawn crypt, columbarium or crematorium as part of a cemetery then operated as an endowed care cemetery shall not be considered the establishment of a new cemetery for purposes of this section.

3. Any endowed care cemetery which does not maintain a [fully] **adequately** staffed office in the county in which the cemetery is located shall have prominently displayed on the premises a sign clearly stating the operator's name, address and telephone number. If the operator does not reside in the county in which the cemetery is located, the sign shall also state the name, address and telephone number of a resident of the county who is the authorized agent of the operator or the location of an office of the cemetery which is within ten miles of such cemetery. In jurisdictions where ordinances require signs to meet certain specifications, a weatherproof notice containing the information required by this subsection shall be sufficient.

214.320. 1. An operator of an endowed care cemetery shall establish and deposit in an endowed care **trust** fund not less than the following amounts for burial space sold or disposed of, with such deposits to the endowed care **trust** fund to be made [semiannually] **monthly** on all burial space that has been fully paid for to the date of deposit:

(1) A minimum of fifteen percent of the gross sales price, or twenty dollars, whichever is greater, for each grave space sold;

(2) A minimum of ten percent of the gross sales price of each crypt or niche sold in a community mausoleum, or a minimum of one hundred dollars for each crypt or [ten dollars for each niche sold in a garden mausoleum] **fifty dollars for each niche sold in a community mausoleum, whichever is greater;**

(3) **A minimum of ten percent of the gross sales price of each crypt or niche sold in a garden mausoleum, or a minimum of one hundred dollars for each crypt or twenty-five dollars for each niche sold in a garden mausoleum, whichever is greater;**

(4) A minimum of [seventy-five dollars per grave space for] **ten percent of the gross sales price of each lawn crypt sold or a minimum of seventy-five dollars, whichever is greater.**

2. Notwithstanding the provisions of subdivision (2) of subsection 1 of this section, a cemetery operator who has made the initial deposit in trust as required by sections 214.270 to 214.410 from his own funds, and not from funds deposited with respect to sales of burial space, may deposit only one-half the minimum amounts set forth in subdivisions (1) and (2) of subsection 1 of this section, until he shall have recouped his entire initial deposit. Thereafter, he shall make the minimum deposits required under subdivisions (1), (2) [and], (3), **and (4)** of subsection 1 of this section.

3. **As required by section 214.340**, each operator of an endowed care cemetery shall[, after August 28, 1990,] file with the division of professional registration, on a form provided by the division, an annual endowed care trust fund report. The operator of any cemetery representing the cemetery, or any portion of the cemetery, as an endowed care cemetery shall make available to the division for inspection or audit at any reasonable time only those cemetery records and trust fund records necessary to determine whether the cemetery's endowed care **trust** fund is in compliance with sections 214.270 to 214.410. Each cemetery operator who has established a [segregated] **escrow** account pursuant to section [214.385] **214.387** shall make available to the division for inspection or audit at any reasonable time those cemetery records and financial institution records necessary to determine whether the cemetery operator is in compliance with the provisions of section [214.385. All documents, records, and work product from any inspections or audits performed by or at the direction of the division shall remain in the possession of the division of professional registration and shall not be sent to the state board of embalmers and funeral directors. No charge shall be made for such inspections or audits] **214.387**.

4. [If any endowed care cemetery operator conducts the trust fund accounting and record keeping outside of this state, then such operator shall maintain current and accurate copies of such accounting and record keeping within this state and such copies shall be readily available to the division for inspection or audit purposes.

5.] No cemetery operator shall operate or represent to the public by any title, description, or similar terms that a cemetery provides endowed care unless the cemetery is in compliance with the provisions of sections 214.270 to 214.410.

**5. A cemetery operator shall be exempt from the provisions of chapter 436 for the sale of cemetery services or for grave lots, grave spaces, markers, monuments, memorials, tombstones, crypts, niches or mausoleums, outer burial containers or other receptacle. A cemetery operator shall be prohibited from adjusting or establishing the sales price of items with the intent of evading the trusting or escrow provisions of this chapter.**

214.325. If the deposits to any endowed care **trust** fund [required by sections 214.270 to 214.410] are less than the total sum required to be set aside and deposited since the effective date of such sections, the

cemetery operator shall correct such deficiency by depositing not less than twenty percent of such deficiency each year for five years [following August 28, 1990,] and shall file, on the form provided by the division, a statement outlining the date and amount such deposits were made. If the cemetery operator fails to correct the deficiency **with respect to funds maintained under section 214.330**, the cemetery operator shall thereafter not represent the cemetery as an endowed care cemetery. Any funds held in the cemetery's endowed care trust shall continue to be used for endowed care for that cemetery. The cemetery operator shall remain subject to the provisions of sections 214.270 to 214.410 for any cemetery or any section of the cemetery for which endowed care payments have been collected, subject to the penalties contained in section 214.410, and civil actions as well as subject to any regulations promulgated by the division. **For purposes of this section, the term "deficiency" shall mean a deficiency in the amount required to be deposited pursuant to section 214.320, or a deficiency created by disbursements in excess of what is permitted under section 214.330 and shall not include or be affected by deficiencies or shortages caused by the fluctuating value of investments.**

214.330. 1. [The endowed care fund required by sections 214.270 to 214.410 shall be permanently set aside in trust or in accordance with the provisions of subsection 2 of this section. The trustee of the endowed care trust shall be a state- or federally chartered financial institution authorized to exercise trust powers in Missouri and located in this state. The income from the endowed care fund shall be distributed to the cemetery operator at least annually or in other convenient installments. The cemetery operator shall have the duty and responsibility to apply the income to provide care and maintenance only for that part of the cemetery in which burial space shall have been sold and with respect to which sales the endowed care fund shall have been established and not for any other purpose. The principal of such funds shall be kept intact and appropriately invested by the trustee, or the independent investment advisor. An endowed care trust agreement may provide that when the principal in an endowed care trust exceeds two hundred fifty thousand dollars, investment decisions regarding the principal and undistributed income may be made by a federally registered or Missouri-registered independent qualified investment advisor designated by the cemetery owner, relieving the trustee of all liability regarding investment decisions made by such qualified investment advisor. It shall be the duty of the trustee, or the investment advisor, in the investment of such funds to exercise the diligence and care men of ordinary prudence, intelligence and discretion would employ, but with a view to permanency of investment considering probable safety of capital investment, income produced and appreciation of capital investment. The trustee's duties shall be the maintenance of records and the accounting for and investment of moneys deposited by the operator to the endowed care fund. For the purposes of sections 214.270 to 214.410, the trustee or investment advisor shall not be deemed to be responsible for the care, the maintenance, or the operation of the cemetery, or for any other matter relating to the cemetery, including, but not limited to, compliance with environmental laws and regulations. With respect to cemetery property maintained by cemetery care funds, the cemetery operator shall be responsible for the performance of the care and maintenance of the cemetery property owned by the cemetery operator and for the opening and closing of all graves, crypts, or niches for human remains in any cemetery property owned by the cemetery operator.

2. If the endowed care cemetery fund is not permanently set aside in a trust fund as required by subsection 1 of this section then the funds shall be permanently set aside in a segregated bank account which requires the signature of the cemetery owner and either the administrator of the office of endowed care cemeteries, or the signature of a licensed practicing attorney with escrow powers in this state as joint signatories for any distribution from the trust fund. No funds shall be expended without the signature of either the administrator of the office of endowed care cemeteries, or a licensed practicing attorney with

escrow powers in this state. The account shall be insured by the Federal Deposit Insurance Corporation or comparable deposit insurance and held in the state- or federally chartered financial institution authorized to do business in Missouri and located in this state. The income from the endowed care fund shall be distributed to the cemetery operator at least in annual or semiannual installments. The cemetery operator shall have the duty and responsibility to apply the income to provide care and maintenance only for that part of the cemetery in which burial space shall have been sold and with respect to which sales the endowed care fund shall have been established and not for any other purpose. The principal of such funds shall be kept intact and appropriately invested by the cemetery operator with written approval of either the administrator of the office of endowed care cemeteries or a licensed practicing attorney with escrow powers in this state. It shall be the duty of the cemetery owner in the investment of such funds to exercise the diligence and care a person of reasonable prudence, intelligence and discretion would employ, but with a view to permanency of investment considering probable safety of capital investment, income produced and appreciation of capital investment. The cemetery owner's duties shall be the maintenance of records and the accounting for an investment of moneys deposited by the operator to the endowed care fund. For purposes of sections 214.270 to 214.410, the administrator of the office of endowed care cemeteries or the licensed practicing attorney with escrow powers in this state shall not be deemed to be responsible for the care, maintenance, or operation of the cemetery. With respect to cemetery property maintained by cemetery care funds, the cemetery operator shall be responsible for the performance of the care and maintenance of the cemetery property owned by the cemetery operator and for the opening and closing of all graves, crypts, or niches for human remains in any cemetery property owned by the cemetery operator.

3. The cemetery operator shall be accountable to the owners of burial space in the cemetery for compliance with sections 214.270 to 214.410.

4. All endowed care funds shall be administered in accordance with an endowed care fund agreement. The endowed care fund agreement shall be subject to review and approval by the office of endowed care cemeteries or by a licensed practicing attorney with escrow powers in this state. The endowed care cemetery shall be notified in writing by the office of endowed care cemeteries or by a licensed practicing attorney with escrow powers in this state regarding the approval or disapproval of the endowed care fund agreement and regarding any changes required to be made for compliance with this chapter and the rules and regulations promulgated thereunder. A copy of the proposed endowed care fund agreement shall be submitted to the office of endowed care cemeteries. The office of endowed care cemeteries or a licensed practicing attorney with escrow powers in this state shall notify the endowed care cemetery in writing of approval and of any required change. Any amendment or change to the endowed care fund agreement shall be submitted to the office of endowed care cemeteries or to a licensed practicing attorney with escrow powers in this state for review and approval. Said amendment or change shall not be effective until approved by the office of endowed care cemeteries or by a licensed practicing attorney with escrow powers in this state. All endowed care cemeteries shall be under a continuing duty to file with the office of endowed care cemeteries or with a licensed practicing attorney with escrow powers in this state and to submit for approval any and all changes, amendment, or revisions of the endowed care fund agreement.

5. No principal shall be distributed from an endowed care trust fund except to the extent that a unitrust election is in effect with respect to such trust under the provisions of section 469.411, RSMo.] **The endowed care trust fund required by sections 214.270 to 214.410 shall be permanently set aside in trust or in accordance with the provisions of subsection 2 of this section. The trustee of the endowed care trust shall be a state or federally chartered financial institution authorized to exercise trust**

powers in Missouri. The contact information for a trust officer or duly appointed representative of the trustee with knowledge and access to the trust fund accounting and trust fund records must be disclosed to the office or its duly authorized representative upon request.

(1) The trust fund records, including all trust fund accounting records, shall be maintained in the state of Missouri at all times or shall be electronically stored so that the records may be made available in the state of Missouri within fifteen business days of receipt of a written request. The operator of an endowed care cemetery shall maintain a current name and address of the trustee and the records custodian for the endowed care trust fund and shall supply such information to the office, or its representative, upon request;

(2) Missouri law shall control all endowed care trust funds and the Missouri courts shall have jurisdiction over endowed care trusts regardless of where records may be kept or various administrative tasks may be performed.

2. An endowed care trust fund shall be administered in accordance with Missouri law governing trusts, including but not limited to the applicable provisions of chapters 456 and 469, except as specifically provided in this subsection or where the provisions of sections 214.270 to 214.410 provide differently, provided that a cemetery operator shall not in any circumstances be authorized to restrict, enlarge, change, or modify the requirements of this section or the provisions of chapters 456 and 469 by agreement or otherwise.

(1) Income and principal of an endowed care trust fund shall be determined under the provisions of law applicable to trusts, except that the provisions of section 469.405 shall not apply.

(2) No principal shall be distributed from an endowed care trust fund except to the extent that a unitrust election is in effect with respect to such trust under the provisions of section 469.411.

(3) No right to transfer jurisdiction from Missouri under section 456.1-108 shall exist for endowed care trusts.

(4) All endowed care trusts shall be irrevocable.

(5) No trustee shall have the power to terminate an endowed care trust fund under the provisions of section 456.4-414.

(6) A unitrust election made in accordance with the provisions of chapter 469 shall be made by the cemetery operator in the terms of the endowed care trust fund agreement itself, not by the trustee.

(7) No contract of insurance shall be deemed a suitable investment for an endowed care trust fund.

(8) The income from the endowed care fund may be distributed to the cemetery operator at least annually on a date designated by the cemetery operator, but no later than sixty days following the end of the trust fund year. Any income not distributed within sixty days following the end of the trust's fiscal year shall be added to and held as part of the principal of the trust fund.

3. The cemetery operator shall have the duty and responsibility to apply the income distributed to provide care and maintenance only for that part of the cemetery designated as an endowed care section and not for any other purpose.

4. In addition to any other duty, obligation, or requirement imposed by sections 214.270 to 214.410 or the endowed care trust agreement, the trustee's duties shall be the maintenance of records related

to the trust and the accounting for and investment of moneys deposited by the operator to the endowed care trust fund.

(1) For the purposes of sections 214.270 to 214.410, the trustee shall not be deemed responsible for the care, the maintenance, or the operation of the cemetery, or for any other matter relating to the cemetery, or the proper expenditure of funds distributed by the trustee to the cemetery operator, including, but not limited to, compliance with environmental laws and regulations.

(2) With respect to cemetery property maintained by endowed care funds, the cemetery operator shall be responsible for the performance of the care and maintenance of the cemetery property.

5. If the endowed care cemetery fund is not permanently set aside in a trust fund as required by subsection 1 of this section, then the funds shall be permanently set aside in an escrow account in the state of Missouri. Funds in an escrow account shall be placed in an endowed care trust fund under subsection 1 if the funds in the escrow account exceed three hundred fifty thousand dollars, unless otherwise approved by the division for good cause. The account shall be insured by the Federal Deposit Insurance Corporation or comparable deposit insurance and held in a state or federally chartered financial institution authorized to do business in Missouri and located in this state.

(1) The interest from the escrow account may be distributed to the cemetery operator at least in annual or semiannual installments, but not later than six months following the calendar year. Any interest not distributed within six months following the end of the calendar year shall be added to and held as part of the principal of the account.

(2) The cemetery operator shall have the duty and responsibility to apply the interest to provide care and maintenance only for that part of the cemetery in which burial space shall have been sold and with respect to which sales the escrow account shall have been established and not for any other purpose. The principal of such funds shall be kept intact. The cemetery operator's duties shall be the maintenance of records and the accounting for an investment of moneys deposited by the operator to the escrow account. For purposes of sections 214.270 to 214.410, the administrator of the office of endowed care cemeteries shall not be deemed to be responsible for the care, maintenance, or operation of the cemetery. With respect to cemetery property maintained by cemetery care funds, the cemetery operator shall be responsible for the performance of the care and maintenance of the cemetery property owned by the cemetery operator.

(3) The division may approve an escrow agent if the escrow agent demonstrates the knowledge, skill, and ability to handle escrow funds and financial transactions and is of good moral character.

6. The cemetery operator shall be accountable to the owners of burial space in the cemetery for compliance with sections 214.270 to 214.410.

7. Excluding funds held in an escrow account, all endowed care trust funds shall be administered in accordance with an endowed care trust fund agreement, which shall be submitted to the office by the cemetery operator for review and approval. The endowed care cemetery shall be notified in writing by the office of endowed care cemeteries regarding the approval or disapproval of the endowed care trust fund agreement and regarding any changes required to be made for compliance with sections 214.270 to 214.410 and the rules and regulations promulgated thereunder.

8. All endowed care cemeteries shall be under a continuing duty to file with the office of endowed care cemeteries and to submit for prior approval any and all changes, amendments, or revisions of

the endowed care trust fund agreement, at least thirty days before the effective date of such change, amendment, or revision.

9. If the endowed care trust fund agreement, or any changes, amendments, or revisions filed with the office, are not disapproved by the office within thirty days after submission by the cemetery operator, the endowed care trust fund agreement, or the related change, amendment, or revision, shall be deemed approved and may be used by the cemetery operator and the trustee. Notwithstanding any other provision of this section, the office may review and disapprove an endowed care trust fund agreement, or any submitted change, amendment, or revision, after the thirty days provided herein or at any other time if the agreement is not in compliance with sections 214.270 to 214.410 or the rules promulgated thereunder. Notice of disapproval by the office shall be in writing and delivered to the cemetery operator and the trustee within ten days of disapproval.

10. Funds in an endowed care trust fund or escrow account may be commingled with endowed care funds for other endowed care cemeteries, provided that the cemetery operator and the trustee shall maintain adequate accounting records of the disbursements, contributions, and income allocated for each cemetery.

11. By accepting the trusteeship of an endowed care trust or accepting funds as an escrow agent pursuant to sections 214.270 to 214.410, the trustee or escrow agent submits personally to the jurisdiction of the courts of this state and the office of endowed care cemeteries regarding the administration of the trust or escrow account. A trustee or escrow agent shall consent in writing to the jurisdiction of the state of Missouri and the office in regards to the trusteeship or the operation of the escrow account and to the appointment of the office of secretary of state as its agent for service of process regarding any administrative or legal actions relating to the trust or the escrow account, if it has no designated agent for service of process located in this state. Such consent shall be filed with the office prior to accepting funds pursuant to sections 214.270 to 214.410 as trustee or as an escrow agent on a form provided by the office by rule.

214.335. 1. Any endowed care cemetery may require a contribution to the endowed care fund or to a separate memorial care fund for each memorial or monument installed on a grave in the cemetery. Such contribution, if required by a cemetery, shall not exceed twenty cents per square inch of base area, and shall be charged on every installation regardless of the person performing the installation. Each contribution made pursuant to a contract or agreement entered into after August 28, 1990, shall be entrusted and administered pursuant to sections 214.270 to 214.410 for the endowed care fund. Each contribution made pursuant to a contract or agreement entered into before August 28, 1990, shall be governed by the law in effect at the time the contract or agreement was entered into.

2. If the deposits to any endowed care trust fund are less than the total sum required to be set aside and deposited since the effective date of such sections, the cemetery operator shall correct such deficiency by depositing not less than twenty percent of such deficiency each year for five years and shall file, on the form provided by the division, a statement outlining the date and amount such deposits were made. If the cemetery operator fails to correct the deficiency with respect to funds maintained under section 214.330, the cemetery operator shall thereafter not represent the cemetery as an endowed care cemetery. Any funds held in the cemetery's endowed care trust shall continue to be used for endowed care for that cemetery. The cemetery operator shall remain subject to the provisions of sections 214.270 to 214.410 for any cemetery or any section of the cemetery for which

**endowed care payments have been collected, subject to the penalties contained in section 214.410, and civil actions, as well as subject to any regulations promulgated by the division. For purposes of this section, the term “deficiency” shall mean a deficiency in the amount required to be deposited pursuant to subsection 1 of this section, or a deficiency created by disbursements in excess of what is permitted under section 214.330 and shall not include or be affected by deficiencies or shortages caused by the fluctuating value of investments.**

214.340. 1. Each operator of an endowed care cemetery shall maintain at an office in the cemetery or, if the cemetery has no office in the cemetery, at an office within a reasonable distance of the cemetery, the reports of the endowed care **trust** fund's operation for the preceding seven years. Each report shall contain, at least, the following information:

(1) Name and address of the trustee of the endowed care **trust** fund and the depository, if different from the trustee;

(2) Balance per previous year's report;

(3) Principal contributions received since previous report;

(4) Total earnings since previous report;

(5) Total distribution to the cemetery operator since the previous report;

(6) Current balance;

(7) A statement of all assets listing cash, real or personal property, stocks, bonds, and other assets, showing cost, acquisition date and current market value of each asset;

(8) Total expenses, excluding distributions to cemetery operator, since previous report; and

(9) A statement of the cemetery's total acreage and of its developed acreage.

2. Subdivisions (1) through (7) of the report described in subsection 1 above shall be certified to under oath as complete and correct by a corporate officer of the trustee. Subdivision (8) of such report shall be certified under oath as complete and correct by an officer of the cemetery operator. Both the trustee and cemetery operator or officer shall be subject to the penalty of making a false affidavit or declaration.

3. The report shall be placed in the cemetery's office within ninety days of the close of the trust's fiscal year. A copy of this report shall be filed by the cemetery operator with the division of professional registration as condition of license renewal as required by subsection 4 of section 214.275. [The report shall not be sent to the state board of embalmers and funeral directors.]

4. Each cemetery operator who establishes [a segregated] **an escrow or trust** account pursuant to [subsection 1 of section 214.385] **section 214.387** shall file with the report required under subsection 1 of this section [a segregated] **an escrow or trust** account report that shall provide the following information:

(1) The [number of monuments, markers and memorials] **total face value of all contracts for burial merchandise and services** that have been deferred for delivery by purchase designation; **and**

(2) [The aggregate wholesale cost of all such monuments, markers and memorials; and

(3)] The amount on deposit in the [segregated] **escrow or trust** account established pursuant to section [214.385] **214.387**, and the account number **in the case of an escrow account**.

214.345. 1. Any cemetery operator who negotiates the sale of burial space in any cemetery located in



this state shall provide each prospective owner of burial space a written statement, which may be a separate form or a part of the sales contract, which states and explains in plain language that the burial space is part of an endowed care cemetery; that the cemetery has established and maintains the endowed care **trust** fund required by law; and that the information regarding the fund described in section 214.340 is available to the prospective purchaser. If the burial space is in a nonendowed cemetery, or in a nonendowed section of an endowed care cemetery, the cemetery operator shall state he has elected not to establish an endowed care **trust** fund.

2. The operator of each endowed care cemetery shall, upon request, give to the public for retention a copy of the endowed care **trust** fund annual report prepared pursuant to the provisions of subsection 1 of section 214.340.

214.360. No cemetery operator, nor any director, officer or shareholder of any cemetery may borrow or in any other way make use of the endowed care **trust** funds for his own use, directly or indirectly, or for furthering or developing his or any other cemetery, nor may any trustee lend or make such funds available for said purpose or for the use of any operator or any director, officer or shareholder of any cemetery.

214.363. In the event of a cemetery's bankruptcy, insolvency, or assignment for the benefit of creditors, the endowed care **trust** funds shall not be available to any creditor as assets of the cemetery's owner or to pay any expenses of any bankruptcy or similar proceeding, but shall be retained intact to provide for the future maintenance of the cemetery.

214.365. Prior to any action as provided in subsection 2 of section 214.205, and when the division has information that a [public] cemetery is not providing maintenance and care, has been abandoned, or has ceased operation, the division may investigate the cemetery to determine the cemetery's current status. If the division finds evidence that the cemetery is abandoned, is not conducting business, or is not providing maintenance and care, the division may apply to the circuit court for appointment as receiver, trustee, or successor in trust.

214.367. **1. Prior to selling or otherwise disposing of a majority of the business assets of a cemetery, or a majority of its stock or other ownership interest, if a corporation or other organized business entity, the cemetery operator shall provide written notification to the division of its intent at least thirty days prior to the date set for the transfer, or the closing of the sale, or the date set for termination of its business. Such notice is confidential and shall not be considered a public record subject to the provisions of chapter 610 until the sale of the cemetery has been effectuated. Upon receipt of the written notification, the division may take reasonable and necessary action to determine that the cemetery operator has made proper plans to assure that trust funds or funds held in an escrow account for or on behalf of the cemetery will be set aside and used as provided in sections 214.270 to 214.410, including, but not limited to, an audit or examination of books and records. The division may waive the requirements of this subsection or may shorten the period of notification for good cause or if the division determines in its discretion that compliance with its provisions are not necessary.**

**2. A cemetery operator may complete the sale, transfer, or cessation if the division does not disapprove the transaction within thirty days after receiving notice. Nothing in this section shall be construed to restrict any other right or remedy vested in the division or the attorney general.**

**3. A prospective purchaser or transferee of [any endowed care] **endowed or unendowed** cemetery, with the written consent of the cemetery operator, may obtain a copy of the cemetery's most recent audit or**

inspection report from the division. The division shall inform the prospective purchaser or transferee, within thirty days, whether the cemetery may continue to operate and be represented as [an endowed care] a cemetery.

214.387. 1. [Upon written instructions from the purchaser of burial merchandise or burial services set forth in a cemetery prearranged contract, a cemetery may defer delivery of such burial merchandise or a warehouse receipt for the same under section 214.385, or performance of services, to a date designated by the purchaser, provided the cemetery operator, after deducting sales and administrative costs not to exceed twenty percent of the purchase price, deposits the remaining portion of the purchase price into an escrow or trust account as herein provided, within sixty days following receipt of payment from the purchaser. Funds so deposited pursuant to this section shall be maintained in such account until delivery of the property or the performance of services is made or the contract for the purchase of such property or services is canceled. The account is subject to inspection, examination or audit by the division. No withdrawals may be made from the escrow or trust account established pursuant to this section except as herein provided.

2. Upon written instructions from the purchaser of an interment, entombment, or inurnment cemetery service, a cemetery may defer performance of such service to a date designated by the purchaser, provided the cemetery operator, within forty-five days of the date the agreement is paid in full, deposits from its own funds an amount equal to eighty percent of the published retail price into a trustee account. Funds deposited in a trustee account pursuant to this section and section 214.385 shall be maintained in such account until delivery of the service is made or the agreement for the purchase of the service is canceled. No withdrawals may be made from the trustee account established pursuant to this section and section 214.385 except as provided herein. Money in this account shall be invested utilizing the prudent man theory and is subject to audit by the division. Names and addresses of depositories of such money shall be submitted with the annual report.

3. Upon the delivery of the interment, entombment, or inurnment cemetery service agreed upon by the cemetery or its agent, or the cancellation of the agreement for the purchase of such service, the cemetery operator may withdraw from the trustee account an amount equal to (i) the market value of the trustee account based on the most recent account statement issued to the cemetery operator, times (ii) the ratio the service's deposit in the account bears to the aggregate deposit of all services which are paid in full but not delivered. The trustee account may be inspected or audited by the division.

4. The provisions of this section shall apply to all agreements entered into after August 28, 2002.] **With the exception of sales made pursuant to section 214.385, all sales of prearranged burial merchandise and services shall be made pursuant to this section.**

**2. Upon written instructions from the purchaser of burial merchandise or burial services set forth in a cemetery prearranged contract, a cemetery may defer delivery of such burial merchandise or a warehouse receipt for the same under section 214.385, or performance of services, to a date designated by the purchaser, provided the cemetery operator, after deducting sales and administrative costs associated with the sale, not to exceed twenty percent of the purchase price, deposits the remaining portion of the purchase price into an escrow or trust account as herein provided, within sixty days following receipt of payment from the purchaser. Funds so deposited pursuant to this section shall be maintained in such account until delivery of the property or the performance of services is made or the contract for the purchase of such property or services is cancelled, and fees and costs associated with the maintenance of the trust or escrow arrangement shall**

be charged to these funds. The account is subject to inspection, examination or audit by the division. No withdrawals may be made from the escrow or trust account established pursuant to this section except as herein provided.

**3. Each escrow arrangement must comply with the following:**

(1) The escrow agent shall be located in Missouri, authorized to exercise escrow powers, and shall maintain the escrow records so that they may be accessed and produced for inspection within five business days of the agent's receipt of a written request made by the office or its duly authorized representative. A cemetery operator shall not serve as an escrow agent for the cemetery operator's account nor shall the escrow agent be employed by or under common ownership with the cemetery operator. The cemetery operator shall maintain a current name and address for the escrow agent with the office, and shall obtain written approval from the office before making any change in the name or address of the escrow agent. Notwithstanding any other provision of law, information regarding the escrow agent shall be deemed an open record;

(2) The escrow account funds shall be maintained in depository accounts at a Missouri financial institution that provides Federal Deposit Insurance Corporation or comparable deposit insurance;

(3) The escrow arrangement shall be administered by the escrow agent pursuant to an agreement approved by the office under the same filing and approval procedure as that set forth for endowed care trust fund agreements in section 214.330;

(4) The operator shall establish a separate depository account for each cemetery prearranged contract administered pursuant to this subsection;

(5) The division may promulgate by rule a form escrow agreement to be used by a cemetery operator operating pursuant to this section.

**4. Each trust must comply with the following:**

(1) The trustee shall be a state or federally chartered financial institution authorized to exercise trust powers in Missouri, provided that a foreign financial institution must be approved by the office;

(2) The trust fund records, including all trust fund accounting records, shall either be maintained in the state of Missouri or shall be electronically stored so that the records may be made available within fifteen business days of the trustee's receipt of a written request made by the office or its duly authorized representative. The cemetery operator shall maintain a current name and address of the trustee and the records custodian and shall supply such information to the office or its representative upon request;

(3) The principal of such funds shall be appropriately invested pursuant to the prudent investor rule under chapter 469, provided that no trust funds shall be invested in any term insurance product;

(4) Payments regarding two or more cemetery prearranged contracts may be deposited into and commingled in the same trust, so long as adequate records are made available to the trustee to account for cemetery prearranged contracts on an individual basis with regard to deposits, earnings, distributions, and any taxes;

(5) Trust instruments shall be subject to the same filing and approval procedure as that set forth for endowed care trust fund agreements under section 214.330;

**(6) A trustee may commingle the funds from trusts of unrelated cemetery operators for investment purposes if the trustee has adequate accounting for the allocations, disbursements, payments, and income among the participating trusts.**

**5. The income from escrow accounts, after payment of expenses associated with the arrangement, shall be distributed to the cemetery operator. All other distributions from trusts and escrow accounts shall be made pursuant to forms approved by the office. For performance of a cemetery prearranged contract, a certificate of performance form signed by the cemetery operator shall be required for distribution. For cancellation of a cemetery prearranged contract, a certificate of cancellation form signed by the cemetery operator and the purchaser shall be required for distribution.**

**6. A cemetery prearranged contract is subject to cancellation as follows:**

**(1) At any time before the final disposition of the deceased, or before the services or merchandise described in this section are provided, the purchaser may cancel the contract without cause by delivering written notice thereof to the operator. Within fifteen days after its receipt of such notice, the cemetery operator shall pay to the purchaser a net amount equal to eighty percent of all payments made under the contract. The cemetery operator shall be entitled to keep one-half of the interest earned on trust funds. Upon delivery of the purchaser's receipt for such payment to the escrow agent or trustee, the escrow agent or trustee shall distribute to the cemetery operator from the escrow account or trust an amount equal to all deposits made into the escrow account or trust for the contract;**

**(2) Notwithstanding the provisions of subdivision (1) of this subsection, if a purchaser is eligible, becomes eligible, or desires to become eligible, to receive public assistance under chapter 208 or any other applicable state or federal law, the purchaser may irrevocably waive and renounce his right to cancel the contract pursuant to the provisions of subdivision (1) of this section, which waiver and renunciation shall be made in writing and delivered to the cemetery operator;**

**(3) Notwithstanding the provisions of subdivision (1) of this subsection, any purchaser, within thirty days of receipt of the executed contract, may cancel the contract without cause by delivering written notice thereof to the cemetery operator, and receive a full refund of all payments made on the contract;**

**(4) Notwithstanding the provisions of subdivision (1) of this subsection, once any purchase order is entered for the production or manufacture of burial merchandise, per the purchaser's written request, the purchaser's obligation to pay for said burial merchandise shall be noncancellable;**

**(5) No funds subject to a purchaser's right of cancellation hereunder shall be subject to the claims of the cemetery operator's creditors.**

**7. Burial merchandise sold through a contract with a cemetery or cemetery operator which is entered into after the death of the individual for whom the burial merchandise is intended shall not be subject to any trusting or escrow requirement of this section.**

**8. This section shall apply to all agreements entered into after August 28, 2010.**

**214.389. 1. The division may direct a trustee, financial institution, or escrow agent to suspend distribution from an endowed care trust fund or escrow account if the cemetery operator does not have a current and active cemetery operator license, has failed to file an annual report, or if, after an**

audit or examination, the division determines there is a deficiency in an endowed care trust fund or escrow account maintained under section 214.330 and the cemetery operator has failed to file a corrective action plan detailing how the deficiency shall be remedied. For purposes of this section, a deficiency shall only be deemed to exist if, after an audit or examination, the division determines a cemetery operator has failed to deposit the total aggregate of funds required to be deposited in trust or an escrow account pursuant to section 214.320 or subsection 1 of section 214.335, or has received disbursements from the trust or escrow account in excess of what is permitted under section 214.330. No deficiency shall be deemed to be created by fluctuations in the value of investments held in trust or escrow.

2. The division shall provide written notification to the cemetery operator and the trustee, financial institution, or escrow agent within fourteen days of discovering a potential violation as described in this section. Upon receipt of written notification from the division, the cemetery operator shall have sixty days to cure any alleged violations or deficiencies cited in the notification without a suspension of distribution. If, after the sixty-day time period, the division feels the cemetery has not cured the alleged violations or deficiencies cited in the notification, the division may send a notice of suspension to the cemetery operator that the division is ordering a suspension of distribution as described in this section. In the event of a suspension of distribution, the amount of any distribution suspended shall become principal, with credit against the deficiency, unless the cemetery operator files an appeal with a court of competent jurisdiction or with the administrative hearing commission, as provided herein. In the event of an appeal, a cemetery operator may request the court or administrative hearing commission stay the suspension of distribution after a showing of necessity and good cause or authorize payment from the endowed care trust fund or escrow account for necessary expenses from any amount subject to distribution.

3. Upon receipt of an order from the division suspending distribution pursuant to this section, a trustee, financial institution, or escrow agent shall immediately suspend distribution as required by the order. A trustee, financial institution, or escrow agent shall be exempt from liability for failure to distribute funds as ordered by the division.

4. A cemetery operator may appeal an order suspending distribution pursuant to this section to the administrative hearing commission. The administrative hearing commission shall receive notice of such appeal within thirty days from the date the notice of suspension was mailed by certified mail. Failure of a person whose license was suspended to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the suspension. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission pursuant to chapter 621.

5. A cemetery operator may apply for reinstatement of distributions upon demonstration that the deficiencies or other problems have been cured or that the operator has otherwise come into compliance.

6. The division may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to

**review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**

214.392. 1. The division shall:

(1) Recommend prosecution for violations of the provisions of sections 214.270 to 214.410 to the appropriate prosecuting, circuit attorney or to the attorney general;

(2) Employ, within limits of the funds appropriated, such employees as are necessary to carry out the provisions of sections 214.270 to 214.410;

(3) Be allowed to convey full authority to each city or county governing body the use of inmates controlled by the department of corrections and the board of probation and parole to care for abandoned cemeteries located within the boundaries of each city or county;

(4) Exercise all budgeting, purchasing, reporting and other related management functions;

**(5) Be authorized, within the limits of the funds appropriated to conduct investigations, examinations, or audits to determine compliance with sections 214.270 to 214.410;**

**(6) The division may promulgate rules necessary to implement the provisions of sections 214.270 to 214.516, including but not limited to:**

(a) Rules setting the amount of fees authorized pursuant to sections 214.270 to 214.516. The fees shall be set at a level to produce revenue that shall not substantially exceed the cost and expense of administering sections 214.270 to 214.516. All moneys received by the division pursuant to sections 214.270 to 214.516 shall be collected by the director who shall transmit such moneys to the department of revenue for deposit in the state treasury to the credit of the endowed care cemetery audit fund created in section 193.265, RSMo;

(b) Rules to administer the inspection and audit provisions of the endowed care cemetery law;

(c) Rules for the establishment and maintenance of the cemetery registry pursuant to section 214.283.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

214.400. Sections 214.270 to 214.410 shall be known as the “Cemetery Endowed Care **Trust** Fund Law”.

214.410. 1. Any cemetery operator who shall willfully violate any provisions of sections 214.270 to 214.410 for which no penalty is otherwise prescribed shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed five hundred dollars or shall be confined not more than six months or both.

2. Any cemetery operator who shall willfully violate any provision of [section] **sections** 214.320, 214.330, 214.335, 214.340, 214.360 [or], 214.385, **or 214.387** shall be deemed guilty of a class D felony and upon conviction thereof shall be fined a sum not to exceed ten thousand dollars or shall be confined not

more than five years or both. This section shall not apply to cemeteries or cemetery associations which do not sell lots in the cemetery.

3. Any trustee who shall willfully violate any applicable provisions of sections 214.270 to 214.410 shall have committed an unsafe and unsound banking practice and shall be penalized as authorized by chapters 361 and 362, RSMo. This subsection shall be enforced exclusively by the Missouri division of finance for state chartered institutions and the Missouri attorney general for federally chartered institutions.

4. Any person who shall willfully violate any provision of section 214.320, 214.330, 214.335, 214.340, 214.360 or 214.385 or violates any rule, regulation or order of the division may, in accordance with the regulations issued by the division, be assessed an administrative penalty by the division. The penalty shall not exceed five thousand dollars for each violation and each day of the continuing violation shall be deemed a separate violation for purposes of administrative penalty assessment. However, no administrative penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation. Penalty assessments received shall be deposited in the endowed care cemetery audit fund created in section 193.265, RSMo.

214.500. Any cemetery located in a city [not within a county,] which has become the property of such city pursuant to section 214.205 or a public tax sale may be sold to another cemetery operator or a not-for-profit corporation which is unrelated to the previous cemetery operator.

214.504. Any cemetery operator who purchases a cemetery from a city [not within a county] pursuant to sections 214.500 to 214.516 shall not be liable for any wrongful interments or errors made in the sale of plots prior to the cemetery operator's purchase of the cemetery, nor shall such cemetery operator be liable for multiple ownership of plots sold by such cemetery operator due to a lack of adequate records in such cemetery operator's possession at the time of such cemetery operator's purchase of such cemetery from the city, provided the cemetery operator offers a plot of equal value for the interment, if such party can prove ownership of the right to bury a person by presenting a contract for the right to burial.

214.508. Any cemetery operator who purchases a cemetery from a city [not within a county] shall not be held liable or responsible for any conditions existing or actions taken which occurred prior to the cemetery operator's purchase from such city; except that, the exemption provided in this section shall not relieve any previous owner or wrongdoer for their actions related to such cemetery.

214.512. Any subsequent cemetery owner after a city [not within a county] shall be exempt from the provisions of section 214.325 and section 214.410 for any deficiency existing prior to such city's ownership; except that, such exemption shall not relieve any previous cemetery owners or wrongdoers from the provisions of such sections.

214.516. Any cemetery owner subsequent to a city [not within a county], regardless of whether such cemetery was previously registered as an endowed care cemetery, held itself out to be an endowed care cemetery or was a nonendowed care cemetery, shall comply with section 214.310 and register such cemetery as an endowed care cemetery as if it were a newly created cemetery with no interments at the time of such registration. Any contracts for the right of burial sold after compliance with section 214.310 and all subsequent action of a subsequent cemetery owner shall comply fully with the provisions of sections 214.270 to 214.410.

214.550. 1. For purposes of this section, the following terms mean:

(1) "Cremains", the [ashes that remain after cremation of a human corpse] **remains of a human corpse**

**after cremation;**

(2) “Operator”, a church that owns and maintains a religious cemetery;

(3) “Religious cemetery”, a cemetery owned, operated, controlled, or managed by any church that has or would qualify for federal tax-exempt status as a nonprofit religious organization pursuant to section 501(c) of the Internal Revenue Code as amended;

(4) “Scatter garden”, a location for the spreading of cremains set aside within a cemetery.

2. It shall be lawful for any operator of a religious cemetery adjacent to a church building or other building regularly used as a place of worship to establish a scatter garden for the purpose of scattering human cremains.

3. The operator of any religious cemetery containing a scatter garden shall maintain, protect, and supervise the scatter garden, and shall be responsible for all costs incurred for such maintenance, protection, and supervision. Such operator shall also maintain a record of all cremains scattered in the scatter garden that shall include the name, date of death, and Social Security number of each person whose cremains are scattered, and the date the cremains were scattered.

4. A scatter garden established pursuant to this section shall be maintained by the operator of the religious cemetery for as long as such operator is in existence. Upon dissolution of such operator, all records of cremains shall be transferred to the clerk of the city, town, or village in which the scatter garden is located, or if the scatter garden is located in any unincorporated area, to the county recorder.”; and

Further amend said bill, Page 59, Section 1, Line 9, by inserting after all of said line the following:

“[214.290. Any cemetery operator who within ninety days from the effective date of sections 214.270 to 214.410 elects to operate a cemetery which exists on the effective date of sections 214.270 to 214.410 as an endowed care cemetery or who represents to the public that perpetual, permanent, endowed, continual, eternal care, care of duration or similar care will be furnished cemetery property sold, shall before selling or disposing of any interment space or lots in said cemetery after the date of such election, establish a minimum endowed care and maintenance fund in cash in the amount required by section 214.300 unless an endowed care fund is already in existence to which regular deposits have been made (whether or not the fund then existing shall be in the minimum amount required under section 214.300).]”; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 3, Section A, Line 28, by inserting after all of said line the following:

“190.108. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an air ambulance license.

2. The department shall have the authority and responsibility to license an air ambulance service in accordance with sections 190.001 to 190.245, and in accordance with rules adopted by the department



pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an air ambulance license including, but not limited to:

- (1) Medical control plans;
- (2) Medical director qualifications;
- (3) Air medical staff qualifications;
- (4) Response and operations standards to assure that the health and safety needs of the public are met;
- (5) Standards for air medical communications;
- (6) Criteria for compliance with licensure requirements;
- (7) Records and forms;
- (8) Equipment requirements;
- (9) Five-year license renewal;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

3. Application for an air ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the air ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon the sale or transfer of any air ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

**5. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.109. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for a ground ambulance license.

2. Any person that owned and operated a licensed ambulance on December 31, 1997, shall receive an ambulance service license from the department, unless suspended, revoked or terminated, for that ambulance service area which was, on December 31, 1997, described and filed with the department as the primary service area for its licensed ambulances on August 28, 1998, provided that the person makes application and adheres to the rules and regulations promulgated by the department pursuant to sections 190.001 to 190.245.

3. The department shall issue a new ground ambulance service license to an ambulance service that is not currently licensed by the department, or is currently licensed by the department and is seeking to expand its ambulance service area, except as provided in subsection 4 of this section, to be valid for a period of five years, unless suspended, revoked or terminated, when the director finds that the applicant meets the

requirements of ambulance service licensure established pursuant to sections 190.100 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. In order to be considered for a new ambulance service license, an ambulance service shall submit to the department a letter of endorsement from each ambulance district or fire protection district that is authorized to provide ambulance service, or from each municipality not within an ambulance district or fire protection district that is authorized to provide ambulance service, in which the ambulance service proposes to operate. If an ambulance service proposes to operate in unincorporated portions of a county not within an ambulance district or fire protection district that is authorized to provide ambulance service, in order to be considered for a new ambulance service license, the ambulance service shall submit to the department a letter of endorsement from the county. Any letter of endorsement required pursuant to this section shall verify that the political subdivision has conducted a public hearing regarding the endorsement and that the governing body of the political subdivision has adopted a resolution approving the endorsement. The letter of endorsement shall affirmatively state that the proposed ambulance service:

- (1) Will provide a benefit to public health that outweighs the associated costs;
- (2) Will maintain or enhance the public's access to ambulance services;
- (3) Will maintain or improve the public health and promote the continued development of the regional emergency medical service system;
- (4) Has demonstrated the appropriate expertise in the operation of ambulance services; and
- (5) Has demonstrated the financial resources necessary for the operation of the proposed ambulance service.

4. A contract between a political subdivision and a licensed ambulance service for the provision of ambulance services for that political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service to include the jurisdictional boundaries of the political subdivision. The termination of the aforementioned contract shall result in a reduction of the licensed ambulance service's ambulance service area by removing the geographic area of the political subdivision from its ambulance service area, except that licensed ambulance service providers may provide ambulance services as are needed at and around the state fair grounds for protection of attendees at the state fair.

5. The department shall renew a ground ambulance service license if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245.

6. The department shall promulgate rules relating to the requirements for a ground ambulance service license including, but not limited to:

- (1) Vehicle design, specification, operation and maintenance standards;
- (2) Equipment requirements;
- (3) Staffing requirements;
- (4) Five-year license renewal;
- (5) Records and forms;
- (6) Medical control plans;

- (7) Medical director qualifications;
- (8) Standards for medical communications;
- (9) Memorandums of understanding with emergency medical response agencies that provide advanced life support;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

7. Application for a ground ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the ground ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

**8. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.131. 1. The department shall accredit or certify training entities for first responders, emergency medical dispatchers, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting. **The rules shall prescribe the amount of fees to be required for certification and recertification under this section. All certification fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to 190.245.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

7. No person or entity shall hold itself out or provide training required by this section without

accreditation or certification by the department.

190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical response agency including, but not limited to:

- (1) A licensure period of five years;
- (2) Medical direction;
- (3) Records and forms; and
- (4) Memorandum of understanding with local ambulance services.

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. No person or entity shall hold itself out as an emergency medical response agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

5. Only emergency medical response agencies, fire departments, and fire protection districts may provide certain ALS services with the services of EMT-Is.

6. Emergency medical response agencies functioning with the services of EMT-Is must work in collaboration with an ambulance service providing advanced life support with personnel trained to the emergency medical technician-paramedic level.

**7. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

- (1) Age requirements;
- (2) Education and training requirements based on respective national curricula of the United States

Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

- (3) Initial licensure testing requirements;
- (4) Continuing education and relicensure requirements; and
- (5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

**6. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.”; and

Further amend said bill, Page 3, Section 194.350, Line 30, by inserting after all of said the following:

“210.221. 1. The department of health and senior services shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired. No license shall be granted for a term exceeding two years. Each license shall specify the kind of child-care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child-care facility, inspect their books and records, premises and children being served, examine their officers and agents, deny, suspend, place on probation or revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of health and senior services. The director also may revoke or suspend a license when the licensee fails to renew or surrenders

the license;

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the division shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed; and

(4) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and senior services and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health and senior services. Local inspectors may grant a variance, subject to approval by the department of health and senior services.

3. The department shall deny, suspend, place on probation or revoke a license if it receives official written notice that the local governing body has found that license is prohibited by any local law related to the health and safety of children. The department may, after inspection, find the licensure, denial of licensure, suspension or revocation to be in the best interest of the state.

**4. The department shall promulgate rules prescribing the amount of fees to be required for licensure and relicensure under this section. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 210.201 to 210.245 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 3, Section 194.350, Line 30, by inserting immediately after said line the following:

**“304.161. Towing and storage charges shall not be excessive. As used in this section, the term “storage charges” means any fees or charges or the combination of all fees and other charges**

**associated with the storage of a towed vehicle, including, but not limited to, storage fees, access fees, document fees, release of vehicle charges, and any other charges, the payment of which is required for the release of the vehicle to the owner or his designee. Excessive towing and storage charges shall constitute an unlawful trade practice as provided in section 407.020. The provisions of this section shall expire on December 31, 2012.”; and**

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 5:**

**SENATE AMENDMENT NO. 5**

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 22, Section 324.1147, Line 3, by inserting immediately after said line the following:

“329.040. 1. Any person of good moral character may make application to the board for a license to own a school of cosmetology on a form provided upon request by the board. Every school of cosmetology in which any of the classified occupations of cosmetology are taught shall be required to obtain a license from the board prior to opening. The license shall be issued upon approval of the application by the board, the payment of the required fees, and the applicant meets other requirements provided in this chapter. The license shall be kept posted in plain view within the school at all times.

2. A school license renewal fee shall be due on or before the renewal date of any school license issued pursuant to this section. If the school license renewal fee is not paid on or before the renewal date, a late fee shall be added to the regular school license fee.

3. No school of cosmetology shall be granted a license pursuant to this chapter unless it:

(1) Employs and has present in the school a competent licensed instructor for every twenty-five students in attendance for a given class period and one to ten additional students may be in attendance with the assistance of an instructor trainee. One instructor is authorized to teach up to three instructor trainees immediately after being granted an instructor's license;

(2) Requires all students to be enrolled in a course of study of no less than three hours per day and no more than twelve hours per day with a weekly total that is no less than fifteen hours and no more than seventy-two hours;

(3) Requires for the classified occupation of cosmetologist, the course of study shall be no less than one thousand five hundred hours or, for a student in public vocational/technical school no less than one thousand two hundred twenty hours; provided that, a school may elect to base the course of study on credit hours by applying the credit hour formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of one hundred and sixty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of cosmetology on any patron or customer of the school of cosmetology;

(4) Requires for the classified occupation of manicurist, the course of study shall be no less than four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of fifty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of manicurist on any patron or customer of the school of cosmetology;

(5) Requires for the classified occupation of esthetician, the course of study shall be no less than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student shall earn a minimum of seventy-five hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of esthetics on any patron or customer of the school of cosmetology or an esthetics school.

4. The subjects to be taught for the classified occupation of cosmetology shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Shampooing of all kinds, forty hours;
- (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- (3) Hair cutting and shaping, one hundred thirty hours;
- (4) Permanent waving and relaxing, one hundred twenty-five hours;
- (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
- (6) Combouts and hair styling techniques, one hundred five hours;
- (7) Scalp treatments and scalp diseases, thirty hours;
- (8) Facials, eyebrows and arches, forty hours;
- (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
- (10) Cosmetic chemistry, twenty-five hours;
- (11) Salesmanship and shop management, ten hours;
- (12) Sanitation and sterilization, thirty hours;
- (13) Anatomy, twenty hours;
- (14) State law, ten hours;
- (15) Curriculum to be defined by school, not less than four hundred seventy hours.

5. The subjects to be taught for the classified occupation of manicurist shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty hours;
- (2) Salesmanship and shop management, twenty hours;
- (3) Sanitation and sterilization, twenty hours;
- (4) Anatomy, ten hours;
- (5) State law, ten hours;
- (6) Study of the use and application of certain chemicals, forty hours; and



(7) Curriculum to be defined by school, not less than eighty hours.

6. The subjects to be taught for the classified occupation of esthetician shall be as follows, and the hours required for each subject shall not be less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

(1) Facials, cleansing, toning, massaging, one hundred twenty hours;

(2) Makeup application, all phases, one hundred hours;

(3) Hair removal, thirty hours;

(4) Body treatments, aromatherapy, wraps, one hundred twenty hours;

(5) Reflexology, thirty-five hours;

(6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;

(7) Cosmetic chemistry, products and ingredients, seventy-five hours;

(8) Salon management and salesmanship, fifty-five hours;

(9) Sanitation and sterilization, safety, forty-five hours;

(10) State law, ten hours; and

(11) Curriculum to be defined by school, not less than seventy-five hours.

7. Training for all classified occupations shall include practical demonstrations, written and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this chapter.

8. No school of cosmetology shall operate within this state unless a proper license pursuant to this chapter has first been obtained.

9. Nothing contained in this chapter shall prohibit a licensee within a cosmetology establishment from teaching any of the practices of the classified occupations for which the licensee has been licensed for not less than two years in the licensee's regular course of business, if the owner or manager of the business does not hold himself or herself out as a school and does not hire or employ or personally teach regularly at any one and the same time, more than one apprentice to each licensee regularly employed within the owner's business, not to exceed one apprentice per establishment, and the owner, manager, or trainer does not accept any fee for instruction.

10. Each licensed school of cosmetology shall provide a minimum of two thousand square feet of floor space, adequate rooms and equipment, including lecture and demonstration rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet sterilizers, and adequate working facilities for twenty students.

11. Each licensed school of cosmetology for manicuring only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement proportionately increases with student enrollment of over ten students.

12. Each licensed school of cosmetology for esthetics only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement increases fifty square feet per student with student enrollment of over ten.

13. No school of cosmetology may have a greater number of students enrolled and scheduled to be in attendance for a given class period than the total floor space of that school will accommodate. Floor space required per student shall be no less than fifty square feet per additional student beyond twenty students for a school of cosmetology, beyond ten students for a school of manicuring and beyond ten students for a school of esthetics.

14. Each applicant for a new school shall file a written application with the board upon a form approved and furnished upon request by the board. The applicant shall include a list of equipment, the proposed curriculum, and the name and qualifications of any and all of the instructors.

15. Each school shall display in a conspicuous place, visible upon entry to the school, a sign stating that all cosmetology services in this school are performed by students who are in training.

16. Any student who wishes to remain in school longer than the required training period may make application for an additional training license and remain in school. A fee is required for such additional training license.

17. All contractual fees that a student owes to any cosmetology school shall be paid before such student may be allowed to apply for any examination required to be taken by an applicant applying for a license pursuant to the provisions of this chapter.

**18. The board shall not issue any initial, new license for a school of cosmetology from August 28, 2010, to August 28, 2012. Any school of cosmetology holding a valid license on August 28, 2010 may change school location within twenty-five miles of their then existing location or may change the ownership of the school without being treated by the board as an applicant for a new license for the purposes of this subsection. The provisions of this subsection shall expire on August 28, 2012.”; and**

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted, which motion failed.

Senator Lager offered **SA 6**:

**SENATE AMENDMENT NO. 6**

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 40, Section 334.613, Line 279, by inserting immediately after said line the following:

“334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

(1) “Applicant”, any individual who seeks to become licensed as a physician assistant;

(2) “Certification” or “registration”, a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;

(3) “Certifying entity”, the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;

(4) “Department”, the department of insurance, financial institutions and professional registration or a

designated agency thereof;

(5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;

(6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;

(7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;

(8) "Supervision", control exercised over a physician assistant working within the same facility as the supervising physician sixty-six percent of the time a physician assistant provides patient care, except a physician assistant may make follow-up patient examinations in hospitals, nursing homes, patient homes, and correctional facilities, each such examination being reviewed, approved and signed by the supervising physician, except as provided by subsection 2 of this section. For the purposes of this section, the percentage of time a physician assistant provides patient care with the supervising physician on-site shall be measured each calendar quarter. The supervising physician must be readily available in person or via telecommunication during the time the physician assistant is providing patient care. The board shall promulgate rules pursuant to chapter 536, RSMo, for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant. The physician assistant shall be limited to practice at locations where the supervising physician is no further than thirty miles by road using the most direct route available, or in any other fashion so distanced as to create an impediment to effective intervention and supervision of patient care or adequate review of services. Any other provisions of this chapter notwithstanding, for up to ninety days following the effective date of rules promulgated by the board to establish the waiver process under subsection 2 of this section, any physician assistant practicing in a health professional shortage area as of April 1, 2007, shall be allowed to practice under the on-site requirements stipulated by the supervising physician on the supervising physician form that was in effect on April 1, 2007.

2. The board shall promulgate rules under chapter 536, RSMo, to direct the advisory commission on physician assistants to establish a formal waiver mechanism by which an individual physician-physician assistant team may apply for alternate minimum amounts of on-site supervision and maximum distance from the supervising physician. After review of an application for a waiver, the advisory commission on physician assistants shall present its recommendation to the board for its advice and consent on the approval or denial of the application. The rule shall establish a process by which the public is invited to comment on the application for a waiver, and shall specify that a waiver may only be granted if a supervising physician and physician assistant demonstrate to the board's satisfaction in accordance with its uniformly applied criteria that:

(1) Adequate supervision will be provided by the physician for the physician assistant, given the physician assistant's training and experience and the acuity of patient conditions normally treated in the

clinical setting;

(2) The physician assistant shall be limited to practice at locations where the supervising physician is no further than fifty miles by road using the most direct route available, or in any other fashion so distanced as to create an impediment to effective intervention and supervision of patient care or adequate review of services;

(3) The community or communities served by the supervising physician and physician assistant would experience reduced access to health care services in the absence of a waiver;

(4) The applicant will practice in an area designated at the time of application as a health professional shortage area;

(5) Nothing in this section shall be construed to require a physician-physician assistant team to increase their on-site requirement allowed in their initial waiver in order to qualify for renewal of such waiver;

(6) If a waiver has been granted by the board of healing arts **on or after August 28, 2009**, to a **physician-physician assistant team** working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no additional waiver shall be required **for the physician-physician assistant team**, so long as the rural health clinic maintains its status as a rural health clinic under such federal act, and such [physician assistant and supervising physician] **physician-physician assistant team** comply with federal supervision requirements. **No supervision requirements in addition to the minimum federal law shall be required for the physician-physician assistant team in a rural health clinic if a waiver has been granted by the board. However, the board shall be able to void a current waiver after conducting a hearing and upon a finding of fact that the physician-physician assistant team has failed to comply with such federal act or either member of the team has violated a provision of this chapter;**

(7) A physician assistant shall only be required to seek a renewal of a waiver every five years or when his or her supervising physician is a different physician than the physician shown on the waiver application or they move their primary practice location more than ten miles from the location shown on the waiver application.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

(1) Taking patient histories;

(2) Performing physical examinations of a patient;

(3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;

(4) Performing routine therapeutic procedures;

(5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;

(6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;

(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

(8) Assisting in surgery;

(9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform;

(10) Physician assistants shall not perform abortions.

4. Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy [independent of consultation with the supervising physician] **unless pursuant to a physician supervision agreement in accordance with the law**, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed or dispensed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant or advanced practice nurse as defined in section 335.016, RSMo, may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients;

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; and

(6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy-two hours or less.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant.

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536, RSMo, establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335, RSMo, shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete

a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. “Physician assistant supervision agreement” means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician for more than three full-time equivalent licensed physician assistants. This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

Senator Lager offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 3, Section A, Line 28, by inserting immediately after said line the following:

**“23.156. 1. Every employee of the oversight division of the joint committee on legislative research shall, before entering upon his or her duties, take and file in the offices of the secretary of the senate and the chief clerk of the house of representatives an oath:**

**(1) To support the constitution of the state, to faithfully demean himself or herself in office;**

**(2) To not disclose to any unauthorized person any information furnished by any state department, state agency, political subdivision, or instrumentality of the state; and**

**(3) To not accept as presents or emoluments any pay, directly or indirectly, for the discharge of any act in the line of his or her duty other than the remuneration fixed and accorded to the employee by law.**

**2. For any violation of his or her oath of office or of any duty imposed upon him or her by this section, any employee shall be guilty of a class A misdemeanor.”; and**

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

### **PRIVILEGED MOTIONS**

Having voted on the prevailing side, Senator Stouffer moved that the vote by which **SA 4** was adopted be reconsidered, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

**SA 4** was again taken up.

At the request of Senator Stouffer, the above amendment was withdrawn.

Senator Stouffer offered **SA 8**:

### **SENATE AMENDMENT NO. 8**

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 3, Section 194.350, Line 30, by inserting immediately after said line the following:

**“304.161. Towing and storage charges shall not be excessive. As used in this section, the term “storage charges” means any fees or charges or the combination of all fees and other charges associated with the storage of a towed vehicle, including, but not limited to, storage fees, access fees, document fees, release of vehicle charges, and any other charges, the payment of which is required for the release of the vehicle to the owner or his designee. Excessive towing and storage charges shall constitute an unlawful trade practice as provided in section 407.020. The provisions of this section shall expire on December 31, 2012.”; and**

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

Senator Crowell offered **SSA 1** for **SA 8**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 3, Section A, Line 28, by inserting after all of said line the following:

**“8.016. The commissioner of the office of administration shall provide each member of the senate and each member of the house of representatives with a key that accesses the dome of the state capitol.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above substitute amendment be adopted.

At the request of Senator Crowell, **SSA 1** for **SA 8** was withdrawn.

Senator Pearce assumed the Chair.

**SA 8** was again taken up.

At the request of Senator Stouffer, the above amendment was withdrawn.

Senator Callahan offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 3, Section 194.350, Line 30, by inserting after all of said line the following:

“195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, or a physician assistant in accordance with section 334.747, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, RSMo, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104, RSMo, may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.



4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

**6. A physician assistant or advance practice registered nurse or comparable mid-level practitioner located in another state may prescribe controlled substances or may cause the same to be dispensed by an individual as authorized by statute, provided:**

**(1) He or she has fulfilled the requirements of the state in which he or she is licensed and practicing as well as those of the United States to prescribe controlled substances;**

**(2) He or she writes the controlled substance prescription in compliance with the applicable laws of the state in which he or she is licensed and practicing as well as those of the United States; and**

**(3) The prescription is dispensed to a patient who is a resident of another state.**

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. **The supply limitations provided in this subsection shall not apply if:**

**(1) The prescription is:**

**(a) Written by a practitioner located in another state according to the applicable laws of such state and the United States; and**

**(b) Dispensed to a patient who is a resident of another state; or**

**(2) The prescription is dispensed directly to a member of the United States armed forces serving outside the United States.**

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol

required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the manufacturer or wholesaler shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in which such drug is sold or dispensed a label showing his or her own name and address of the pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom the prescription was written; [the name of the collaborating physician if the prescription is written by an advanced practice registered nurse or the supervising physician if the prescription is written by a physician assistant,] and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.”; and

Further amend said bill, page 40, section 334.613, line 279, by inserting after all of said line the following:

“334.747. 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in schedule III, IV, or V of section 195.017, RSMo, when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances shall be limited to a five-day supply without refill. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include [such] **the Drug Enforcement Administration** registration numbers on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

**4. A physician assistant or advance practice registered nurse or comparable mid-level practitioner located in another state may prescribe controlled substances or may cause the same to be dispensed by an individual as authorized by statute, provided:**

**(1) He or she has fulfilled the requirements of the state in which he or she is licensed and practicing as well as those of the United States to prescribe controlled substances;**

**(2) He or she writes the controlled substance prescription in compliance with the applicable laws of the state in which he or she is licensed and practicing as well as those of the United States; and**

**(3) The prescription is dispensed to a patient who is a resident of another state.”; and**

Further amend said bill, page 55, section 337.739, line 45, by inserting after all of said line the following:

“338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable **book, file, or electronic record keeping system** in which shall be preserved, for a period of not less than five years, the original or order of each drug which has been compounded or dispensed at such pharmacy, according to and in compliance with standards provided by the board, and shall produce the same in court or before any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription file on readable microfilm for records maintained over three years. After September, 1999, a licensed pharmacy may preserve prescription files on microfilm or by electronic media storage for records maintained over three years. The pharmacist in charge shall be responsible for complying with the permit holder's record-keeping system in compliance with this section. Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential and shall only be released according to standards provided by the board. Upon request, the pharmacist in charge of such pharmacy shall furnish to the [prescribe] **prescriber**, and may furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy of the original prescription. The file of original prescriptions **kept in any format in compliance with this**

**section**, and other confidential records, as defined by law, shall at all times be open for inspection by board of pharmacy representatives. **Records maintained in an electronic record keeping system shall contain all information otherwise required in a manual record keeping system. Electronic records shall be readily retrievable. Pharmacies may electronically maintain the original prescription or prescription order for each drug and may electronically annotate any change or alteration to a prescription record in the electronic record keeping system as authorized by law; provided, however, original written and faxed prescriptions must be physically maintained on file at the pharmacy pursuant to state and federal controlled substance laws.**

2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services of the institution. Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100, RSMo.

**3. “Electronic record keeping system”, as used in this section, shall mean a system, including machines, methods of organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized images of original prescriptions.”; and**

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Crowell offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 3, Section A, Line 28, by inserting after all of said line the following:

**“8.016. The commissioner of the office of administration shall provide each member of the senate and each member of the house of representatives with a key that accesses the dome of the state capitol.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 10** is out of order as it goes beyond the title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Schmitt offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 3, Section 194.350, Line 30, by inserting after all of said line the following:

**“208.215. 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by**

the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made [in] on behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. **Any health benefit plan as defined in section 376.1350, third party administrator, administrative service organization, and pharmacy benefits manager, shall process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms:**

**(1) For a period of three years from the date services were provided or rendered; however, an entity:**

**(a) Shall not be required to reimburse for items or services which are not covered under MO HealthNet;**

**(b) Shall not deny a claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to provide prior authorization;**

**(c) Shall not be required to reimburse for items or services for which a claim was previously submitted to the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager by the health care provider or the participant and the claim was properly denied by the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager for procedural reasons, except for timely filing, type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;**

**(d) Shall not be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim for subrogation has been filed; and**

**(e) Shall reimburse for items or services to the same extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it had been properly billed at the point of sale; and**

**(2) If any action by the state to enforce its rights with respect to such claim is commenced within six years of the state's submission of such claim.**

2. The department of social services, MO HealthNet division, or its contractor may maintain an appropriate action to recover funds paid by the department of social services or MO HealthNet division or its contractor that are due under this section in the name of the state of Missouri against the person, corporation, institution, public agency, or private agency liable to the participant, minor or estate.

3. Any participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death who pursues legal rights against a person, corporation, institution, public agency, or private agency liable to that participant or minor for injuries, disease or disability or benefits arising from a health insurance plan to which the participant may be entitled as outlined in subsection 1 of this section shall upon actual knowledge that the department of social services or MO HealthNet division has paid MO HealthNet benefits as defined by this chapter

promptly notify the MO HealthNet division as to the pursuit of such legal rights.

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate without good cause as determined by the department of social services, MO HealthNet division in accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A [recipient] **participant** who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

6. Every participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death, or his attorney or legal representative shall promptly notify the MO HealthNet division of any recovery from a third party and shall immediately reimburse the department of social services, MO HealthNet division, or its contractor from the proceeds of any settlement, judgment, or other recovery in any action or claim initiated against any such third party. A judgment, award, or settlement in an action by a [recipient] **participant** to recover damages for injuries or other third-party benefits in which the division has an interest may not be satisfied without first giving the division notice and a reasonable opportunity to file and satisfy the claim or proceed with any action as otherwise permitted by law.

7. The department of social services, MO HealthNet division or its contractor shall have a right to recover the amount of payments made to a provider under this chapter because of an injury, disease, or disability, or benefits arising from a health insurance plan to which the participant may be entitled for which a third party is or may be liable in contract, tort or otherwise under law or equity. Upon request by the MO HealthNet division, all third-party payers shall provide the MO HealthNet division with information contained in a 270/271 Health Care Eligibility Benefits Inquiry and Response standard transaction mandated under the federal Health Insurance Portability and Accountability Act, except that third-party payers shall

not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity insurance policies.

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled which resulted in payments made by the department or MO HealthNet division. In each case, a lien notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) The amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the participant incident to the recovery; and whether the department should, as a matter of fairness and equity, bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) The amount, if any, of the attorney's fees and other costs incurred by the participant incident to the recovery and paid by the participant up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) The total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the participant, by insurance provided by the participant, and by the department, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) Whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the participant;

(5) The age of the participant and of persons dependent for support upon the participant, the nature and

permanency of the participant's injuries as they affect not only the future employability and education of the participant but also the reasonably necessary and foreseeable future material, maintenance, medical rehabilitative and training needs of the participant, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) The realistic ability of the participant to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction. **The computerized records of the MO HealthNet division, certified by the director or his designee, shall be prima facie evidence of proof of moneys expended and the amount of the debt due the state.**

11. The court may reduce and apportion the department's or MO HealthNet division's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The department or MO HealthNet division shall pay its pro rata share of the attorney's fees based on the department's or MO HealthNet division's lien as it compares to the total settlement agreed upon. This section shall not affect the priority of an attorney's lien under section 484.140, RSMo. The charges of the department or MO HealthNet division or contractor described in this section, however, shall take priority over all other liens and charges existing under the laws of the state of Missouri with the exception of the attorney's lien under such statute.

12. Whenever the department of social services or MO HealthNet division has a statutory charge under this section against a recovery for damages incurred by a participant because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, [irrespective] **regardless** of whether [or not] an action based on participant's claim has been filed in court. Nothing herein shall prohibit the director from entering into a compromise agreement with any participant, after consideration of the factors in subsections 9 to 13 of this section.

13. This section shall be inapplicable to any claim, demand or cause of action arising under the workers' compensation act, chapter 287, RSMo. From funds recovered pursuant to this section the federal government shall be paid a portion thereof equal to the proportionate part originally provided by the federal government to pay for MO HealthNet benefits to the participant or minor involved. The department or MO HealthNet division shall enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on permanently institutionalized individuals. The department or MO HealthNet division shall have the right to enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on all other institutionalized individuals. For the purposes of this subsection, "permanently institutionalized individuals" includes those people who the department or MO HealthNet division determines cannot reasonably be expected to be discharged and return home, and "property" includes the homestead and all other personal and real property in which the participant has sole legal interest or a legal interest based upon co-ownership of the property which is the result of a transfer of property for less than the fair market value within thirty months prior to the participant's entering the nursing facility. The following provisions shall apply to such liens:

(1) The lien shall be for the debt due the state for MO HealthNet benefits paid or to be paid on behalf of a participant. The amount of the lien shall be for the full amount due the state at the time the lien is



enforced;

(2) The MO HealthNet division shall file for record, with the recorder of deeds of the county in which any real property of the participant is situated, a written notice of the lien. The notice of lien shall contain the name of the participant and a description of the real estate. The recorder shall note the time of receiving such notice, and shall record and index the notice of lien in the same manner as deeds of real estate are required to be recorded and indexed. The director or the director's designee may release or discharge all or part of the lien and notice of the release shall also be filed with the recorder. The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar filings in connection with the filing of a lien and any other necessary documents;

(3) No such lien may be imposed against the property of any individual prior to the individual's death on account of MO HealthNet benefits paid except:

(a) In the case of the real property of an individual:

a. Who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution, to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; and

b. With respect to whom the director of the MO HealthNet division or the director's designee determines, after notice and opportunity for hearing, that he cannot reasonably be expected to be discharged from the medical institution and to return home. The hearing, if requested, shall proceed under the provisions of chapter 536, RSMo, before a hearing officer designated by the director of the MO HealthNet division; or

(b) Pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual;

(4) No lien may be imposed under paragraph (b) of subdivision (3) of this subsection on such individual's home if one or more of the following persons is lawfully residing in such home:

(a) The spouse of such individual;

(b) Such individual's child who is under twenty-one years of age, or is blind or permanently and totally disabled; or

(c) A sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution;

(5) Any lien imposed with respect to an individual pursuant to subparagraph b of paragraph (a) of subdivision (3) of this subsection shall dissolve upon that individual's discharge from the medical institution and return home.

14. The debt due the state provided by this section is subordinate to the lien provided by section 484.130, RSMo, or section 484.140, RSMo, relating to an attorney's lien and to the participant's expenses of the claim against the third party.

15. Application for and acceptance of MO HealthNet benefits under this chapter shall constitute an assignment to the department of social services or MO HealthNet division of any rights to support for the

purpose of medical care as determined by a court or administrative order and of any other rights to payment for medical care.

16. All participants receiving benefits as defined in this chapter shall cooperate with the state by reporting to the family support division or the MO HealthNet division, within thirty days, any occurrences where an injury to their persons or to a member of a household who receives MO HealthNet benefits is sustained, on such form or forms as provided by the family support division or MO HealthNet division.

17. If a person fails to comply with the provision of any judicial or administrative decree or temporary order requiring that person to maintain medical insurance on or be responsible for medical expenses for a dependent child, spouse, or ex-spouse, in addition to other remedies available, that person shall be liable to the state for the entire cost of the medical care provided pursuant to eligibility under any public assistance program on behalf of that dependent child, spouse, or ex-spouse during the period for which the required medical care was provided. Where a duty of support exists and no judicial or administrative decree or temporary order for support has been entered, the person owing the duty of support shall be liable to the state for the entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

18. The department director or the director's designee may compromise, settle or waive any such claim in whole or in part in the interest of the MO HealthNet program. Notwithstanding any provision in this section to the contrary, the department of social services, MO HealthNet division is not required to seek reimbursement from a liable third party on claims for which the amount it reasonably expects to recover will be less than the cost of recovery or for which recovery efforts will not be cost-effective. Cost-effectiveness is determined based on the following:

(1) Actual and legal issues of liability as may exist between the [recipient] **participant** and the liable party;

(2) Total funds available for settlement; and

(3) An estimate of the cost to the division of pursuing its claim.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 12**:

#### SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 57, Section 338.337, Line 20, by inserting immediately after said line the following:

“344.010. As used in this chapter the following words or phrases mean:

(1) “Board”, the Missouri board of nursing home administrators;

(2) “Long-term care facility”, any residential care facility, assisted living facility, intermediate care facility or skilled nursing facility, as defined in section 198.006, RSMo, or similar facility licensed by states other than Missouri;

(3) “Nursing home”, any institution or facility defined as an assisted living facility, **residential care facility**, intermediate care facility, or skilled nursing facility for licensing purposes by section 198.006, RSMo, whether proprietary or nonprofit;

(4) “Nursing home administrator”, a person who administers, manages, supervises, or is in general administrative charge of a nursing home, whether such individual has an ownership interest in the home, and whether his functions and duties are shared with one or more individuals.

344.020. No person shall act or serve in the capacity of a nursing home administrator without first procuring a license from the Missouri board of nursing home administrators as provided in sections 344.010 to 344.108. The board may issue a separate license to administrators of **residential care facilities that were licensed as a residential care facility II on or before August 27, 2006, that continue to meet the licensure standards for a residential care facility II in effect on August 27, 2006, and** assisted living facilities, as defined in section 198.006, RSMo. Any individual who receives a license to operate **a residential care facility or** an assisted living facility is not thereby authorized to operate any intermediate care facility or skilled nursing facility as those terms are defined in section 198.006, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Lembke offered **SA 13**:

#### SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 29, Section 334.100, Line 197, by inserting after the word “if” on said line the words: “**a physician has not met in person with the patient at least twenty-four hours prior to performing, or**”.

Senator Lembke moved that the above amendment be adopted.

Senator Justus raised the point of order that **SA 13** is out of order as it goes beyond the scope, title and purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

**SA 13** was again taken up.

At the request of Senator Lembke, the above amendment was withdrawn.

Senator Lembke offered **SA 14**:

#### SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832 and House Bill No. 1990, Page 22, Section 324.1147, Line 3, by inserting after said line the following:

“327.031. 1. The “Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects” is hereby established and shall consist of [fourteen] **fifteen** members: a chairperson, who may be either an architect, a professional engineer [or], a professional land surveyor, **or a landscape architect**; three architects, who shall constitute the architectural division of the board; [three] **four** professional engineers, who shall constitute its professional engineering division; three professional land surveyors, who shall constitute its professional land surveying division; three landscape architects, who shall constitute its landscape [architecture] **architectural** division; and a voting public member.

2. After receiving his or her commission and before entering upon the discharge of his or her official duties, each member of the board shall take, subscribe to and file in the office of the secretary of state the official oath required by the constitution.

3. The chairperson shall be the administrative and executive officer of the board, and it shall be his or her duty to supervise and expedite the work of the board and its divisions, and, at his or her election, when a tie exists between the divisions of the board, to break the tie by recording his or her vote for or against the action upon which the divisions are in disagreement. Each member of the architectural division shall have one vote when voting on an action pending before the board; each member of the professional engineering division shall have one vote when voting on an action pending before the board; [the chairperson of the landscape architecture division or the chairperson's designee] **each member of the professional land surveying division shall have one vote when voting on an action pending before the board; and each member of the landscape architectural division** shall have one vote when voting on an action pending before the board[; and each member of the professional land surveying division shall have one vote when voting on an action pending before the board]. Every motion or proposed action upon which the divisions of the board are tied shall be deemed lost, and the chairperson shall so declare, unless the chairperson shall elect to break the tie as provided in this section. [Seven] **Eight** voting members of the board [and two members] **including at least one member** of each division shall constitute a quorum, respectively, for the transaction of **board** business.

4. Each division of the board shall, at its first meeting in each even-numbered year, elect one of its members as division chairperson for a term of two years. **Two voting members of each division of the board shall constitute a quorum for the transaction of division business.** The chairpersons of the architectural division, professional engineering division [and the], professional land surveying division, **and landscape architectural division** so elected shall be vice chairpersons of the board, and when the chairperson of the board is an architect, the chairperson of the architectural division shall be the ranking vice chairperson, and when the chairperson of the board is a professional engineer, the chairperson of the professional engineering division shall be the ranking vice chairperson, [and] when the chairperson of the board is a professional land surveyor, the chairperson of the professional land surveying division shall be the ranking vice chairperson, **and when the chairperson of the board is a landscape architect, the chairperson of the landscape architectural division shall be the ranking vice chairperson.** The chairperson of each division shall be the administrative and executive officer of his or her division, and it shall be his or her duty to supervise and expedite the work of the division, and, in case of a tie vote on any matter, the chairperson shall, at his or her election, break the tie by his or her vote. Every motion or question pending before the division upon which a tie exists shall be deemed lost, and so declared by the chairperson of the division, unless the chairperson shall elect to break such tie by his or her vote.

5. Any person appointed to the board, except a public member, shall be a currently licensed architect, licensed professional engineer, licensed professional land surveyor or registered or licensed landscape architect in Missouri, as the vacancy on the board may require, who has been a resident of Missouri for at least five years, who has been engaged in active practice as an architect, professional engineer, professional land surveyor or landscape architect, as the case may be, for at least ten consecutive years immediately preceding such person's appointment and who is and has been a citizen of the United States for at least five years immediately preceding such person's appointment. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of engineering shall be regarded as active practice of engineering, for the purposes of this chapter. Active service as a faculty member, after meeting the qualifications required by section 327.314, while holding the rank of assistant professor or higher in an accredited school of engineering and teaching land surveying courses shall be regarded [an] **as active practice of land surveying for the purposes of this chapter. Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of landscape architecture**

**shall be regarded as active practice of landscape architecture, for the purposes of this chapter.** Active service as a faculty member while holding the rank of assistant professor or higher in an accredited school of architecture shall be regarded as active practice of architecture for the purposes of this chapter; provided, however, that no faculty member of an accredited school of architecture shall be eligible for appointment to the board unless such person has had at least three years' experience in the active practice of architecture other than in teaching. The public member shall be, at the time of appointment, a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

6. The governor shall appoint the chairperson and the other members of the board when a vacancy occurs either by the expiration of a term or otherwise, and each board member shall serve until such member's successor is appointed and has qualified. **Beginning August 28, 2010,** the position of chairperson shall [alternate among an architect, a professional engineer and a professional land surveyor] **rotate sequentially with an architect, then professional engineer, then professional land surveyor, then landscape architect, and shall be a licensee who has previously served as a member of the board. The appointment of the chairperson shall be for a term of four years which shall be deemed to have begun on the date of his or her appointment and shall end upon the appointment of the chairperson's successor. The chairperson shall not serve more than one term.** All other appointments, except to fill an unexpired term, shall be for terms of four years; but no person shall serve on the board for more than two consecutive four-year terms, and each four-year term shall be deemed to have begun on the date of the expiration of the term of the board member who is being replaced or reappointed, as the case may be. Any appointment to the board which is made when the senate is not in session shall be submitted to the senate for its advice and consent at its next session following the date of the appointment.

7. In the event that a vacancy is to occur on the board because of the expiration of a term, then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs, [the president of the American Institute of Architects/Missouri if the vacancy to be filled requires the appointment of an architect,] the president of the Missouri Association of Landscape Architects if the vacancy to be filled requires the appointment of a landscape architect, the president of the Missouri Society of Professional Engineers if the vacancy to be filled requires the appointment of an engineer, [and] the president of the Missouri Society of Professional Surveyors if the vacancy to be filled requires the appointment of a land surveyor, **and the president of the Missouri Association of Landscape Architects if the vacancy to be filled requires the appointment of a landscape architect,** shall submit to the director of the division of professional registration a list of five architects or five professional engineers, [five landscape architects] or five professional land surveyors, **or five landscape architects** as the case may require, qualified and willing to fill the vacancy in question, with the recommendation that the governor appoint one of the five persons so listed; and with the list of names so submitted, the president of the appropriate organization shall include in a letter of transmittal a description of the method by which the names were chosen. This subsection shall not apply to public member vacancies.

8. The board may sue and be sued as the Missouri board for architects, professional engineers, professional land surveyors and landscape architects, and its members need not be named as parties. Members of the board shall not be personally liable either jointly or severally for any act or acts committed in the performance of their official duties as board members, nor shall any board member be personally liable for any court costs which accrue in any action by or against the board.

9. Upon appointment by the governor and confirmation by the senate of the landscape [architecture] **architectural** division, the landscape architectural council is hereby abolished and all of its powers, duties and responsibilities are transferred to and imposed upon the Missouri board for architects, professional engineers, professional land surveyors and landscape architects established pursuant to this section. Every act performed by or under the authority of the Missouri board for architects, professional engineers, professional land surveyors and landscape architects shall be deemed to have the same force and effect as if performed by the landscape architectural council pursuant to sections 327.600 to 327.635. All rules and regulations of the landscape architectural council shall continue in effect and shall be deemed to be duly adopted rules and regulations of the Missouri board [of] **for** architects, professional engineers, professional [landscape architects and land surveyors] **land surveyors and landscape architects** until such rules and regulations are revised, amended or repealed by the board as provided by law, such action to be taken by the board on or before January 1, 2002.

10. Upon appointment by the governor and confirmation by the senate of the landscape [architecture] **architectural** division, all moneys deposited in the landscape architectural council fund created in section 327.625 shall be transferred to the state board for architects, professional engineers, professional land surveyors and landscape architects fund created in section 327.081. The landscape architectural council fund shall be abolished upon the transfer of all moneys in it to the state board [of] **for** architects, professional engineers, **professional** land surveyors and landscape architects.

327.041. 1. The board shall have the duty and the power to carry out the purposes and to enforce and administer the provisions of this chapter, to require, by summons or subpoena, with [the advice of the attorney general and upon] the vote of two-thirds of the voting board members, the attendance and testimony of witnesses, and the production of drawings, plans, plats, specifications, books, papers or any document representing any matter under hearing or investigation, pertaining to the issuance, probation, suspension or revocation of certificates of registration or certificates of authority provided for in this chapter, or pertaining to the unlawful practice of architecture, professional engineering, professional land surveying or landscape architecture.

2. The board shall, within the scope and purview of the provisions of this chapter, prescribe the duties of its officers and employees and adopt, publish and enforce the rules and regulations of professional conduct which shall establish and maintain appropriate standards of competence and integrity in the professions of architecture, professional engineering, professional land surveying and landscape architecture, and adopt, publish and enforce procedural rules and regulations as may be considered by the board to be necessary or proper for the conduct of the board's business and the management of its affairs, and for the effective administration and interpretation of the provisions of this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held

unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

3. Rules promulgated by the board pursuant to sections 327.272 to 327.635 shall be consistent with and shall not supersede the rules promulgated by the department of natural resources pursuant to chapter 60, RSMo.

327.351. 1. The professional license issued to every professional land surveyor in Missouri, including certificates of authority issued to corporations as provided in section 327.401, shall be renewed on or before the license or certificate renewal date provided that the required fee is paid. The license of any professional land surveyor or the certificate of authority of any such corporation which is not renewed within three months of the renewal date shall be suspended automatically, subject to the right of the holder of such suspended license or certificate to have it reinstated within nine months of the date of suspension, if the reinstatement fee is paid. Any license or certificate of authority suspended and not reinstated within nine months of the suspension date shall expire and be void and the holder of such expired license or certificate shall have no rights or privileges thereunder, but any person or corporation whose license or certificate has expired may, within the discretion of the board and upon payment of the required fee, be reregistered or relicensed under such person's or corporation's original license number.

2. Each application for the renewal of a license or of a certificate of authority shall be on a form furnished to the applicant and shall be accompanied by the required fee; but no renewal fee need be paid by any professional land surveyor over the age of seventy-five.

3. Beginning January 1, 1996, as a condition for renewal of a license issued pursuant to section 327.314, a license holder shall be required to successfully complete twenty units of professional development that meet the standards established by the board regulations within the preceding two calendar years. Any license holder who completes more than twenty units of professional development within the preceding two calendar years may have the excess, not to exceed ten units, applied to the requirement for the next two-year period.

4. The board shall not renew the license of any license holder who has failed to complete the professional development requirements pursuant to subsection 3 of this section, unless such license holder can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the license holder to make up all outstanding required units of professional development.

5. A license holder may at any time prior to the termination of his or her license request to be classified as inactive. Inactive licenses may be maintained by payment of an annual fee determined by the board. Holders of inactive licenses shall not be required to complete professional development as required in subsection 3 of this section. Holders of inactive licenses shall not practice as professional land surveyors **within this state, but may continue to use the title "professional land surveyor" or the initials "PLS" after such person's name.** If the board determines that good cause was shown, the board shall permit the professional land surveyor to make up all outstanding required units of professional development.

6. A holder of an inactive license may return such license to an active license to practice professional land surveying by paying the required fee, and either:

(1) Completing one-half of the two-year requirement for professional development multiplied by the number of years of lapsed or inactive status. The maximum requirement for professional development units

shall be two and one-half times the two-year requirement. The minimum requirement for professional development units shall be no less than the two-year requirement. Such requirement shall be satisfied within the two years prior to the date of reinstatement; or

(2) Taking such examination as the board deems necessary to determine such person's qualifications. Such examination shall cover areas designed to demonstrate the applicant's proficiency in current methods of land surveying practice.

7. Exemption to the required professional development units shall be granted to registrants during periods of serving honorably on full-time active duty in the military service.

8. At the time of application for license renewal, each licensee shall report, on a form provided by the board, the professional development activities undertaken during the preceding renewal period to satisfy the requirements pursuant to subsection 3 of this section. The licensee shall maintain a file in which records of activities are kept, including dates, subjects, duration of program, and any other appropriate documentation, for a period of four years after the program date.

327.411. 1. Each architect and each professional engineer and each professional land surveyor and each landscape architect shall have a personal seal in a form prescribed by the board, and he or she shall affix the seal to all final documents including, but not limited to, plans, specifications, estimates, plats, reports, surveys, proposals and other documents or instruments prepared by the licensee, or under such licensee's immediate personal supervision. **Such licensee shall either prepare or personally supervise the preparation of all documents sealed by the licensee,** and such licensee shall be held personally responsible for the contents of all such documents sealed by such licensee, **whether prepared or drafted by another licensee or not.**

2. The personal seal of an architect or professional engineer or professional land surveyor or landscape architect shall be the legal equivalent of the licensee's signature whenever and wherever used, and the owner of the seal shall be responsible for the architectural, engineering, surveying, or landscape architectural documents, as the case may be, when the licensee places his or her personal seal on such plans, specifications, estimates, plats, reports, surveys or other documents or instruments for, or to be used in connection with, any architectural or engineering project, survey, or landscape architectural project. **Licensees shall undertake to perform architectural, professional engineering, professional land surveying and landscape architectural services only when they are qualified by education, training, and experience in the specific technical areas involved.**

3. **Notwithstanding any provision of this section,** any architect, professional engineer, professional land surveyor, or landscape architect may, but is not required to, attach a statement over his or her signature, authenticated by his or her personal seal, specifying the particular plans, specifications, plats, reports, surveys or other documents or instruments, or portions thereof, intended to be authenticated by the seal, and disclaiming any responsibility for all other plans, specifications, estimates, reports, or other documents or instruments relating to or intended to be used for any part or parts of the architectural or engineering project or survey or landscape architectural project.

4. Nothing in this section, or any rule or regulation of the board shall require any professional to seal preliminary or incomplete documents.”; and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.



Senator Scott moved that **SCS** for **HB 2226, HB 1824, HB 1832** and **HB 1990**, as amended, be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **HB 2226, HB 1824, HB 1832** and **HB 1990**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SCS** for **HB 2226, HB 1824, HB 1832** and **HB 1990**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Louis J. Leonatti, Republican, and Vernon Dawdy, Democrat, as members of the Missouri Ethics Commission;

Also,

Dale S. Dowell, Allen Nelson, John Harper, Theresa A. Valdes and Douglas L. Riggs, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Kenneth A. Haller and Ginger E. Nicol, as members of the Drug Utilization Review Board;

Also,

Russell C. Still, Democrat, as a member of the State Board of Education;

Also,

Lisa B. Althoff, as Executive Director of the Missouri Women's Council;

Also,

Curtis E. Chick, Jr., as a member of the Missouri Workforce Investment Board;

Also,

Lori A. Bruce and Nancy S. Maus, as members of the Advisory Commission for Dental Hygienists;

Also,

Jack L. Merritt, Republican, and Barrett Hatches, Democrat, as members of the Missouri Gaming Commission;

Also,

Greg L. Roberts, Democrat, as a member of the State Committee of Marital and Family Therapists;

Also,

David Elan Simckes and Philip Gary Pettett, as members of the Missouri Genetic Advisory Committee;

Also,

Michele G. Kilo, as a member of the Missouri Commission on Autism Spectrum Disorders;

Also,

Diane M. Pepper, Democrat, as a member of the Platte County Election Board;

Also,

Mark H. Hargens, Democrat, as a member of the Northwest Missouri State University Board of Regents;

Also,

Jeffrey S. Bay, Democrat, as a member of the Missouri Housing Development Commission;

Also,

Joel P. Rhodes, as a member of the State Historical Records Advisory Board;

Also,

Jerry F. Bagby, Democrat, as a member of the Missouri Alternative Fuels Commission;

Also,

Lisa T. Pelofsky, Democrat, and Angela Wasson-Hunt, as members of the Kansas City Board of Police Commissioners;

Also,

Irene Coco-Bell, as a member of the Missouri State Board of Nursing;

Also,

Richard H. Gray, as a member of the Saint Louis City Board of Police Commissioners;

Also,

Tommy J. Waddell, Republican, as a member of the Dam and Reservoir Safety Council;

Also,

Nina N. Murphy, Democrat, as a member of the Missouri Community Service Commission;

Also,

James R. Person, as a member of the Advisory Committee for 911 Service Oversight.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1842**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1541**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1559**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS for HB 2070**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS for HB 1316**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mayer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 2016**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Veterans' Affairs, Pensions and Urban Affairs, submitted the following report:

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HCS for HB 2357**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HB 2285**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS for HB 1750**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS No. 2 for HB 1543**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Justus assumed the Chair.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 1400**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 2201**—Financial and Governmental Organizations and Elections.

**HCS for HBs 1521 and 1302**—Judiciary and Civil and Criminal Jurisprudence.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2245**, entitled:

An Act to repeal sections 163.031, 163.036, 163.037, 163.044, 168.500, 168.515, and 178.697, RSMo, and to enact in lieu thereof seven new sections relating to school funding, with an emergency clause for certain sections.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SS for SCS for HB 1442**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 649**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 758**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 772**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **SCS** for **SB 942**, entitled:

An Act to amend chapters 71 and 79, RSMo, by adding thereto two new sections relating to the annexation of property within research, development, and office park projects.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 851**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to public notice required for certain meetings of political subdivisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 578**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 987**, entitled:

An Act to repeal section 172.794, RSMo, and to enact in lieu thereof two new sections relating to higher education research projects.

With House Amendment No. 1 and House Amendment No. 3.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 987, Page 2, Section 173.1205, Line 29, by inserting immediately after all of said line the following:

“Section B. Because immediate action is necessary to protect the intellectual property of the state’s higher education institutions while permitting its timely development through technology transfer, the enactment of section 173.1205 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 173.1205 of section A of this act shall be in full force and effect upon its passage and approval.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 987, Page 1, Section 172.794, Line 13, by inserting after the word “Missouri” the following words “**and shall be subject to the provisions of section 196.1127**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.  
Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

### **PRIVILEGED MOTIONS**

Senator Nodler moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1442**, as amended, and grant the House a conference thereon, which motion prevailed.

### **CONFERENCE COMMITTEE**

#### **APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1442**, as amended: Senators Nodler, Crowell, Griesheimer, Green and Callahan.

### **RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 2398, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Curtis Bell, Shell Knob, which was adopted.

Senator Goodman offered Senate Resolution No. 2399, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Young, Pierce City, which was adopted.

Senator Goodman offered Senate Resolution No. 2400, regarding Geoffrey Bowsher, Verona, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Scott introduced to the Senate, Wayne and Wanda Sheen, Berthoud, Colorado.

Senator Purgason introduced to the Senate, Second Lieutenant Martha Hiatt, Willow Springs.

On motion of Senator Engler, the Senate adjourned under the rules.

### **SENATE CALENDAR**

—————

**SIXTY-THIRD DAY—TUESDAY, MAY 4, 2010**

—————

### **FORMAL CALENDAR**

### **HOUSE BILLS ON SECOND READING**

HB 2245-Bivins, et al

### **THIRD READING OF SENATE BILLS**

SB 627-Justus (In Fiscal Oversight)  
SJR 20-Bartle (In Fiscal Oversight)  
SB 779-Bartle (In Fiscal Oversight)

SCS for SB 944-Shields (In Fiscal Oversight)  
SS for SCS for SB 884-Schaefer  
(In Fiscal Oversight)

SCS for SB 622-Shoemyer (In Fiscal Oversight)  
 SS for SB 1057-Shields (In Fiscal Oversight)

SCS for SB 969-Keaveny

### HOUSE BILLS ON THIRD READING

- |   |   |
|---|---|
| 1. HCS for HB 1675, with SCS (Ridgeway)<br>(In Fiscal Oversight)  | 9. HCS for HBs 2262 & 2264 (Stouffer)       |
| 2. HJR 76-Dethrow, et al, with SCS<br>(Purgason) (In Fiscal Oversight)                                  | 10. HCS for HB 1516, with SCS (Lager)       |
| 3. HCS#2 for HBs 1692, 1209, 1405, 1499,<br>1535 & 1811, with SCS (Cunningham)<br>(In Fiscal Oversight) | 11. HCS for HB 1446, with SCS (Pearce)      |
| 4. HCS for HBs 1311 & 1341, with SCS<br>(Rupp) (In Fiscal Oversight)                                    | 12. HB 1842-Wilson (130)                    |
| 5. HB 1868-Scharnhorst, with SCS (Shields)  | 13. HCS for HB 1541, with SCS               |
| 6. HCS for HB 1497 (Goodman)<br>(In Fiscal Oversight)   | 14. HB 1559-Brown (30)                      |
| 7. HCS for HB 1375, with SCS (Justus)   | 15. HCS for HB 2070 (Schaefer)              |
| 8. HCS for HBs 1695, 1742 & 1674, with<br>SCS (Schaefer) (In Fiscal Oversight)                          | 16. HCS for HB 1316, with SCS               |
|   | 17. HCS for HB 2016, with SCS (Mayer)       |
|   | 18. HCS for HB 2357 (Crowell)               |
|   | 19. HB 2285-Thomson, with SCS (Lager)       |
|   | 20. HCS for HB 1750, with SCS (Griesheimer) |
|   | 21. HCS#2 for HB 1543, with SCS (Pearce)    |

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham  
(In Fiscal Oversight)

SCS for SB 826-Griesheimer  
 SB 1001-Griesheimer

### SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
 SB 587-Nodler and Cunningham,  
 with SCS & SA 1 (pending)  
 SB 596-Callahan, with SCS (pending)  
 SB 606-Stouffer  
 SBs 607, 602, 615 & 725-Stouffer,  
 with SCS & SA 1 (pending)  
 SB 639-Schmitt, with SCS & SS for SCS  
 (pending)

SB 643-Keaveny, with SCS, SS for SCS,  
 SA 1 & SA 1 to SA 1 (pending)  
 SB 698-Griesheimer, with SCS, SS for SCS  
 & SA 1 (pending)  
 SB 705-Griesheimer  
 SB 738-Crowell, with SCS  
 SB 747-Rupp, et al, with SA 1 (pending)  
 SB 784-Schaefer and Pearce  
 SB 792-Dempsey and Rupp, with SS (pending)

SB 797-Green  
SB 810-Lager, with SCS  
SB 818-Lembke, with SCS, SS for SCS  
& SA 1 (pending)  
SB 839-Wright-Jones, with SCS  
SB 852-Lager, et al, with SS, SA 1  
& SSA 1 for SA 1 (pending)  
SB 868-Shields  
SB 878-Lembke, with SCS & SS for SCS  
(pending)  
SBs 880, 780 & 836-Schaefer, with SCS,  
SS for SCS & SA 1 (pending)  
SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS, SS for  
SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
SSA 1 for SA 1 (pending)  
SB 896-Shields and Crowell, with SA 1  
(pending)

SB 905-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 999-Schaefer  
SB 1016-Mayer, with SCS  
SB 1017-Mayer, with SCS (pending)  
SB 1060-Bartle, with SCS  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS,  
SS#2 for SCS & SA 5 (pending)  
SJR 29-Purgason and Cunningham,  
with SCS, SS#2 for SCS & SA 1 (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1 (pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

#### HOUSE BILLS ON THIRD READING

HCS for HB 1290, with SCS, SS#2 for SCS  
& SA 9 (pending) (Griesheimer)  
SS for HCS for HBs 1408 & 1514 (Lembke)  
(In Fiscal Oversight)  
HB 1424-Franz, with SCS (pending) (McKenna)  
HCS#2 for HB 1472 (Schaefer)  
HB 1595-Dugger, et al (Purgason)  
HB 1609-Diehl, with SCS & SS for SCS  
(pending) (Bartle)  
HCS for HB 1764, with SCS (Rupp)  
HCS for HB 1893, with SCA 1 (Dempsey)

HB 1894-Bringer (Bray) (In Fiscal Oversight)  
SCS for HCS for HB 1965 (Cunningham)  
(In Fiscal Oversight)  
HCS for HB 2048, with SCS (Lager)  
HB 2109-Ruzicka, with SCS (Lager)  
SS for SCS for HB 2111-Faith, et al  
(Stouffer) (In Fiscal Oversight)  
SCS for HB 2226, HB 1824, HB 1832  
& HB 1990 (Scott) (In Fiscal Oversight)  
HCS for HJR 86, with SCS & SS for SCS  
(pending) (Stouffer)

#### CONSENT CALENDAR

House Bills

Reported 4/15

HCS for HB 1858, with SCS (Shoemyer)



## SENATE BILLS WITH HOUSE AMENDMENTS

SB 773-Dempsey, with HA 1  
SB 851-Schmitt, with HCS

SCS for SB 942-Rupp, with HCS  
SB 987-Stouffer, with HCS, as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

HB 1442-Jones (89), et al, with  
SS for SCS, as amended (Nodler)

## RESOLUTIONS

## Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer  
HCR 38-Icet, et al, with SCA 1 (Lembke)

HCS for HCRs 34 & 35 (Schmitt)  
SR 1744-Shields  
SCR 57-Ridgeway

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-THIRD DAY—TUESDAY, MAY 4, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I am in perpetual anxiety lest...an accidental quarrel, a personal insult, an imprudent order...make a breach that can never afterward be healed.” (Benjamin Franklin)

Heavenly Father, we pray that in these closing two weeks that we would always be known for who and what we are for and not what we are against. We trust in You who sees beyond today to guide our steps and help us clearly to be known for the openness and forgiveness we convey as we deal with each other and serve our people. Grant us patience and love to willingly protect the reputation and interest of others as we seek to do Your will this day and every day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Wilson offered Senate Resolution No. 2401, regarding Marc Wilson, Kansas City, which was adopted.

Senator Wilson offered Senate Resolution No. 2402, regarding Elizabeth A. Briscoe Wilson, Jefferson City, which was adopted.

Senator Bartle offered Senate Resolution No. 2403, regarding Daniel Evan Philyaw, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2404, regarding Kevin Andrew Brandon, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2405, regarding Jefferson Louis Cowing, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2406, regarding Garrett David Cudmore, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2407, regarding Kyle Eugene Dyer, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2408, regarding Brock Steven Martin, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2409, regarding Sean William Miller, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 2410, regarding Mathew Riley Muller, Amoret, which was adopted.

Senator Bartle offered Senate Resolution No. 2411, regarding Brendon Wayne Bolden, Pleasant Hill, which was adopted.

**HOUSE BILLS ON THIRD READING**

Senator Bartle moved that **HB 1609**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Stouffer assumed the Chair.

At the request of Senator Bartle, **SS** for **SCS** for **HB 1609** was withdrawn.

Senator Bartle offered **SS No. 2** for **SCS** for **HB 1609**, entitled:

**SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1609**

An Act to repeal sections 32.056, 58.370, 193.125, 193.135, 193.255, 211.031, 452.340, 452.377, 452.430, 453.121, 454.475, 454.517, 454.557, 454.1003, 455.038, 455.040, 455.501, 476.682, 484.350, 494.455, 517.081, 537.296, 542.286, 559.036, 563.031, 565.035, and 571.030, RSMo, and to enact in lieu thereof thirty-nine new sections relating to court procedures, with penalty provisions and an emergency clause for certain sections.

Senator Bartle moved that **SS No. 2** for **SCS** for **HB 1609** be adopted.

Senator Days offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 3, Section 193.125, Line 28 of said page, by striking the opening bracket “[” and the closing bracket “]” from said line; and

Further amend said bill, page 49, section 453.510, line 9 of said page, by inserting immediately after “registrar” the following: “**in the department of health and senior services**”; and further amend line 12 of said page, by inserting immediately after the word “object” the following: “**to the disclosure of the original birth certificate of the adopted person**”; and further amend line 19 of said page, by inserting immediately after the words “services” the following: “**, the child placing agency, or the juvenile court personnel**”; and

Further amend said bill and section, page 50, line 2 of said page, by inserting immediately after the words “services” the following: “**, the child placing agency, or the juvenile court personnel**”; and further amend line 6 of said page, by inserting immediately after “birth,” the following: “**or cannot be located,**”; and further amend line 7 of said page, by inserting immediately after the words “services” the following: “**, the child placing agency, or the juvenile court personnel**”; and

Further amend said bill, page 50, section 453.515, line 24 of said page, by inserting immediately after the words “services” the following: “**, the child placing agency, or the juvenile court personnel**”; and

Further amend said bill and section, page 51, line 7 of said page, by inserting immediately after the words “services” the following: “**, the child placing agency, or the juvenile court personnel**”; and further amend line 10 of said page, by inserting immediately after “birth,” the following: “**or cannot be located**”; and further amend line 12 of said page, by inserting immediately after the words “services” the following: “**, the child placing agency, or the juvenile court personnel**”.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 94, Section 571.030, Line 13 of said page, by inserting after all of said line the following:

“595.036. 1. **For any claim filed on or after August 28, 2010**, any party aggrieved by a decision of the department **of public safety** on a claim under the provisions of sections 595.010 to [595.070] **595.075** may, within thirty days following the date of notification [of mailing] of such decision, file a petition with the [division of workers' compensation of the] department [of labor and industrial relations] to have such decision heard de novo by [an administrative law judge] **the director**. The [administrative law judge] **director** may affirm[, or reverse[, or set aside] the **department's** decision [of the department of public safety] on the basis of the evidence previously submitted in such case or may take additional evidence [or may remand the matter to the department of public safety with directions]. The [division of workers' compensation] **department** shall promptly notify the [parties] **party** of its decision and the reasons therefor.

2. Any [of the parties to a] **party aggrieved by the director's** decision [of an administrative law judge

of the division of workers' compensation, as provided by subsection 1 of this section, on a claim heard under the provisions of sections 595.010 to 595.070] may, within thirty days following the date of notification [or mailing] of such decision, file a petition with the [labor and industrial relations] **administrative hearing commission** to [have] **appeal** such decision [reviewed by the commission] **as provided in section 621.275**. [The commission may allow or deny a petition for review. If a petition is allowed, the commission may affirm, reverse, or set aside the decision of the division of workers' compensation on the basis of the evidence previously submitted in such case or may take additional evidence or may remand the matter to the division of workers' compensation with directions. The commission shall promptly notify the parties of its decision and the reasons therefor.

3. Any petition for review filed pursuant to subsection 1 of this section shall be deemed to be filed as of the date endorsed by the United States Postal Service on the envelope or container in which such petition is received.

4. Any party who is aggrieved by a final decision of the labor and industrial relations commission pursuant to the provisions of subsections 2 and 3 of this section shall within thirty days from the date of the final decision appeal the decision to the court of appeals. Such appeal may be taken by filing notice of appeal with commission, whereupon the commission shall, under its certificate, return to the court all documents and papers on file in the matter, together with a transcript of the evidence, the findings and award, which shall thereupon become the record of the cause. Upon appeal no additional evidence shall be heard and, in the absence of fraud, the findings of fact made by the commission within its powers shall be conclusive and binding. The court, on appeal, shall review only questions of law and may modify, reverse, remand for rehearing, or set aside the award upon any of the following grounds and no other:

- (1) That the commission acted without or in excess of its powers;
- (2) That the award was procured by fraud;
- (3) That the facts found by the commission do not support the award;
- (4) That there was not sufficient competent evidence in the record to warrant the making of the award.]

595.037. 1. All information submitted to the department [or division of workers' compensation] and any hearing of the [division of workers' compensation] **department** on a claim filed pursuant to sections 595.010 to 595.075 shall be open to the public except for the following claims which shall be deemed closed and confidential:

(1) A claim in which the alleged assailant has not been brought to trial and disclosure of the information or a public hearing would adversely affect either the apprehension, or the trial, of the alleged assailant;

(2) A claim in which the offense allegedly perpetrated against the victim is rape, sodomy or sexual abuse and it is determined by the department [or division of workers' compensation] to be in the best interest of the victim or of the victim's dependents that the information be kept confidential or that the public be excluded from the hearing;

(3) A claim in which the victim or alleged assailant is a minor; or

(4) A claim in which any record or report obtained by the department [or division of workers' compensation], the confidentiality of which is protected by any other law, shall remain confidential subject to such law.

2. The department [and division of workers' compensation, by separate order,] may close any record,

report or hearing if it determines that the interest of justice would be frustrated rather than furthered if such record or report was disclosed or if the hearing was open to the public.

595.060. The director shall promulgate rules and regulations necessary to implement the provisions of sections 595.010 to 595.220 as provided in this section and chapter 536, RSMo. [In the performance of its functions under section 595.036, the division of workers' compensation is authorized to promulgate rules pursuant to chapter 536, RSMo, prescribing the procedures to be followed in the proceedings under section 595.036.] Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

**621.275. 1. Any person shall have the right to appeal to the administrative hearing commission from any decision made by the director of the department of public safety under section 595.036 regarding that person's claim for compensation as provided in sections 595.010 to 595.075.**

**2. Any person filing an appeal with the administrative hearing commission shall be entitled to a hearing before the commission. The person shall file a petition with the commission within thirty days after the decision of the director of the department of public safety is sent in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The director's decision shall contain a notice of the person's right to appeal:**

**“If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was delivered or sent in the United States mail, whichever is earlier. If your petition is sent by registered or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered or certified mail, it will be deemed filed on the date it is received by the commission.”**

**3. Decisions of the administrative hearing commission under this section shall be binding, subject to appeal by either party. The procedures established by chapter 536 shall apply to any hearings and determinations under this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered SA 3:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 10, Section 193.255, Line 27 of said page, by inserting after all of said line the following:

“210.487. 1. When conducting investigations of persons for the purpose of foster parent licensing, the division shall:

(1) Conduct a search for all persons over the age of seventeen in the applicant's household and for any

child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime for evidence of full orders of protection. The office of state courts administrator shall allow access to the automated court information system by the division. The clerk of each court contacted by the division shall provide the division information within ten days of a request; and

(2) Obtain two sets of fingerprints for any person over the age of seventeen in the applicant's household and for any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime in the same manner set forth in subsection 2 of section 210.482. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. The highway patrol shall assist the division and provide the criminal fingerprint background information, upon request; and

(3) Determine whether any person over the age of seventeen residing in the home and any child less than seventeen years of age residing in the applicant's home who the division has determined has been certified as an adult for the commission of a crime is listed on the child abuse and neglect registry. For any children less than seventeen years of age residing in the applicant's home, the children's division shall inquire of the applicant whether any children less than seventeen years of age residing in the home have ever been certified as an adult and been convicted of or pled guilty or nolo contendere to any crime.

2. [After the initial investigation is completed under subsection 1 of this section, the children's division and the department of health and senior services may waive the requirement for a fingerprint background check for any subsequent recertification.] **The children's division and the department of health and senior services shall waive the requirement for a fingerprint background check for any subsequent licensure investigation of any applicant, or member of the applicant's household, when the applicant has provided fingerprints for a previous investigation.**

3. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

4. The division may make arrangements with other executive branch agencies to obtain any investigative background information.

5. The division may promulgate rules that are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 4**, which was read:

## SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 69, Section 537.296, Line 24 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”.

Senator Justus moved that the above amendment be adopted.

Senator Lager requested a roll call vote be taken on the adoption of **SA 4**. He was joined in his request by Senators Justus, Keaveny, Schaefer and Shoemyer.

**SA 4** failed of adoption by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Days	Green	Justus	Keaveny	McKenna
Schmitt	Shoemyer	Wilson	Wright-Jones—12				

## NAYS—Senators

Bartle	Champion	Clemens	Crowell	Cunningham	Dempsey	Engler	Goodman
Griesheimer	Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Rupp
Schaefer	Scott	Shields	Stouffer	Vogel—21			

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Bartle, **HB 1609**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), was placed on the Informal Calendar.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 630**.

With House Amendment Nos. 1 and 2.

## HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 630, Page 40, Section 700.111, Line 268, by inserting after all of said line the following:

**“6. The provisions of this section shall become effective no later than March 1, 2011.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

## HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 630, Page 35, Section 700.111, Line 79, by inserting after the word, “**application**” the words, “**in the form prescribed by the director**”; and



Further amend said bill, Page 52, Section 700.527, Lines 26 to 27, by deleting all of said lines and inserting in lieu thereof the word, “rule]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 1442**, as amended. Representatives: Jones (89), Schoeller, Day, Skaggs and Roorda.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 605**, entitled:

An Act to repeal sections 48.020, 48.030, 94.510, 94.550, 94.577, and 137.016, RSMo, and to enact in lieu thereof six new sections relating to powers of political subdivisions, with an emergency clause for a certain section.

With House Amendment Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment Nos. 5, 6, 7, House Amendment No. 1 to House Amendment No. 8, House Amendment No. 8, as amended, House Amendment No. 1 to House Amendment No. 9 and House Amendment No. 9, as amended.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 10, Section 137.016, Line 77, by inserting after all of said line the following:

**“246.310. The provisions of section 262.802 shall not apply to any drainage district or levee district formed under the laws of this state.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 3, Section 48.030, Line 25 by inserting after all of said line the following:

**“50.622. 1. Any county may amend the annual budget during any fiscal year in which:**

**(1) The county receives additional funds, and such amount or source, including but not limited to[,] federal or state grants or private donations, could not be estimated or anticipated when the budget was adopted; or**

**(2) The county experiences a verifiable decline in funds, and such amount or source, including but not limited to federal or state grants or private donations, could not be estimated or anticipated when the budget was adopted; provided that, any decrease in appropriations shall be allocated among the**

county departments, offices, institutions, commissions, and boards in a fair and equitable manner under all the circumstances, and shall not unduly affect any one department, office, institution, commission, or board.

**2. Any decrease in an appropriation authorized under subdivision (2) of subsection 1 of this section shall not impact any dedicated fund otherwise provided by law.**

**3. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this section.**

**4. The general assembly shall review subdivision (2) of subsection 1 of this section and subsection 2 of this section in the regular session of the general assembly beginning in January, 2015, for the purpose of determining whether such provisions are no longer applicable and should be repealed.**

**50.830. 1. Except as provided in subsection 2 of this section, following each quarter of the fiscal year, the county shall hold at least one public hearing to review the budget, including the records of the receipts and disbursements of every office of the county which receives or disburses money on behalf of the county. At least five days' notice of the hearing shall be given.**

**2. This section shall not apply to any county that reviews the county budget on a monthly basis.**

**3. The general assembly shall review this section in the regular session of the general assembly beginning in January, 2015, for the purpose of determining whether the section is no longer applicable and should be repealed.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Section 137.016, Page 10, Line 77 by inserting after all of said Section, Page, and Line the following:

**“Section 1. All gratuities, whether mandatory or voluntary, provided in conjunction with the receipt of property or services regardless of whether such property or service may be subject to tax under the provisions of chapter 144, are specifically exempted from the provisions of local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 1, Line 7, by inserting after all of said line the following:

**“Further amend said bill, Page 9, Section 137.016, Lines 21-22, by deleting the words “[available] which, when in use, are primarily used” and inserting in lieu thereof the word “available”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 9, Section 137.016, Line 16, by inserting after the word, "Constitution"; the following:

**“. Agricultural and horticultural property shall also include any sawmill or planing mill that alters logs from their original form and defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC numbers 2421, 2426, or 2429";**  
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 3, Section 48.030, Line 25 by inserting after all of said line the following:

“67.1000. 1. The governing body of any county or of any city which is the county seat of any county or which now or hereafter has a population of more than three thousand five hundred inhabitants and which has heretofore been authorized by the general assembly, or of any other city which has a population of more than eighteen thousand and less than forty-five thousand inhabitants located in a county of the first classification with a population over two hundred thousand adjacent to a county of the first classification with a population over nine hundred thousand, may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county, which shall be not more than [five] **seven** percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at an election permitted under section 115.123, RSMo, a proposal to authorize the governing body of the city or county to impose a tax under the provisions of this section and section 67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding a convention and visitors bureau which shall be a general not-for-profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor and tourist center. Such tax shall be stated separately from all other charges and taxes.

2. In any county of the third classification without a township form of government and with more than forty-one thousand one hundred but fewer than forty-one thousand two hundred inhabitants, “transient guests”, as used in this section and section 67.1002, means a person or persons who occupy a room or rooms in a hotel or motel for ninety days or less during any calendar quarter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 3, Section 48.030, Line 25 by inserting after all of said line the following:

**“49.272. 1. The county commission of any of the following counties may impose a civil fine as provided in this section:**

**(1) Any** county of the first classification without a charter form of government and with more than one

hundred thirty-five thousand four hundred but [less] **fewer** than one hundred thirty-five thousand five hundred inhabitants[, and in];

(2) Any county of the first classification without a charter form of government having a population of at least eighty-two thousand inhabitants, but [less] **fewer** than eighty-two thousand one hundred inhabitants[.];

(3) Any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants[.];

(4) Any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants[, and];

(5) Any county of the first classification with more than two hundred forty thousand three hundred but [less] **fewer** than two hundred forty thousand four hundred inhabitants[.];

**(6) Any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants.**

**2. Any county listed in subsection 1 of this section** which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor **or infraction** punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 10, Section 137.016, Line 77, by inserting after all of said line the following:

“137.243. 1. To determine the “projected tax liability” required by subsections 2 and 3 of section 137.180, subsection 2 of section 137.355, and subsection 2 of section 137.490, the assessor, on or before March first of each **odd-numbered** tax year, shall provide the clerk with the assessment book which for this purpose shall contain the real estate values for that year, the prior year's state assessed values, and the prior year's personal property values. On or before March fifteenth, the clerk shall make out an abstract of the assessment book showing the aggregate amounts of different kinds of real, personal, and other tangible property and the valuations of each for each political subdivision in the county, or in the city for any city not within a county, entitled to levy ad valorem taxes on property except for municipalities maintaining their own tax or assessment books. The governing body of each political subdivision or a person designated by the governing body shall use such information to informally project a nonbinding tax levy for that year and return such projected tax levy to the clerk no later than April eighth. The clerk shall forward such information to the collector who shall then calculate and, no later than April thirtieth, provide to the assessor the projected tax liability for each real estate parcel for which the assessor intends to mail a notice of increase pursuant to sections 137.180, 137.355, and 137.490.

2. Political subdivisions located at least partially within two or more counties, which are subject to divergent time requirements, shall comply with all requirements applicable to each such county and may

utilize the most recent available information to satisfy such requirements.

3. Failure by an assessor to timely provide the assessment book or notice of increased assessed value, as provided in this section, may result in the state tax commission withholding all or a part of the moneys provided under section 137.720 and all state per-parcel reimbursement funds which would otherwise be made available to such assessor.

4. Failure by a political subdivision to provide the clerk with a projected tax levy in the time prescribed under this section shall result in a twenty percent reduction in such political subdivision's tax rate for the tax year, unless such failure is a direct result of a delinquency in the provision of, or failure to provide, information required by this section by the assessor or the clerk. If a political subdivision fails to provide the projected tax rate as provided in this section, the clerk shall notify the state auditor who shall, within seven days of receiving such notice, estimate a nonbinding tax levy for such political subdivision and return such to the clerk. The clerk shall notify the state auditor of any applicable reduction to a political subdivision's tax rate.

5. Any taxing district wholly within a county with a township form of government may, through a request submitted by the county clerk, request that the state auditor's office estimate a nonbinding projected tax rate based on the information provided by the county clerk. The auditor's office shall return the projected tax rate to the county clerk no later than April eighth.

6. The clerk shall deliver the abstract of the assessment book to each taxing district with a notice stating that their projected tax rates be returned to the clerk by April eighth.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 1, Line 5, by inserting before all of said line the following:

“Further amend said bill Page 8, Section 94.577, Line 134, by inserting after said line the following:

“94.834. 1. The governing body of **the following cities may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof as provided in this section:**

(1) Any city of the third classification with more than twelve thousand four hundred but less than twelve thousand five hundred inhabitants[, the governing body of];

(2) Any city of the fourth classification with more than two thousand three hundred but less than two thousand four hundred inhabitants and located in any county of the fourth classification with more than thirty-two thousand nine hundred but less than thirty-three thousand inhabitants[, and the governing body of];

(3) Any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the fourth classification with more than twenty-three thousand seven hundred but less than twenty-three thousand eight hundred inhabitants [may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which];

**(4) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt.**

**2. Such tax** shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

[2.] **3.** The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of ..... (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

[3.] **4.** As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 8, Section 94.577, Line 134, by inserting immediately after said line the following:

**“94.1011. 1. The governing body of any city of the third classification with more than three thousand five hundred but fewer than three thousand six hundred inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than five percent per occupied room per night, and shall be imposed solely for the purpose of economic development initiatives to include the construction, maintenance, and repair of a multipurpose conference and convention center. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the**

governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue generated by the tax shall be collected by the city collector of revenue, shall be deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the city and the repeal is approved by a majority of the qualified voters voting on the question.

6. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 9

Amend House Amendment No. 9 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 1, Line 8, by deleting the brackets around the words, "of the first classification"; and

Further amend said amendment, page, Line 24, by deleting the brackets around the words, "of the first classification"; and

Further amend said amendment, page, Line 28, by deleting the brackets around the words, “of the first classification”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 3, Section 48.030, Line 25 by inserting after all of said line the following:

“50.1020. 1. The board may accept gifts, donations, grants and bequests from private or public sources to the county employees' retirement system fund.

2. No state moneys shall be used to fund sections 50.1000 to 50.1300.

3. In all counties, except counties [of the first classification] having a charter form of government and any city not within a county, the penalties provided in sections 137.280 and 137.345, RSMo, shall be deposited in the county employees' retirement fund. Any interest derived from the collection and investment of any part of the penalties shall also be credited to the county employees' retirement fund. All penalties and interest shall be transmitted to the board monthly by the county treasurer. The county assessor shall maintain a written or electronic log reflecting number of assessment notices sent, number of personal property lists that were not returned by the deadline established by law, number of penalties waived and the reason for waiving such penalty.

4. Other provisions of law to the contrary notwithstanding, pending final settlement of taxes collected by the county collector, the county collector shall deposit all money collected in interest-bearing deposits within twenty-four hours after the close of business each day collections are received, except on Fridays of each week or on days prior to a state or national holiday, in a financial institution and all interest or other gain on such deposits shall be paid to the county treasurer and shall be credited to the political subdivision for which the funds were collected.

5. Each county clerk **or a designee of the county clerk who is responsible for payroll and personnel records**, except in counties [of the first classification] having a charter form of government and any city not within a county, shall make the payroll deductions mandated pursuant to subsection 2 or 3 of section 50.1040, and the county treasurer shall transmit these moneys monthly to the board for deposit into the county employees' retirement fund.

6. Each county, except counties [of the first classification] with a charter form of government and any city not within a county, shall deposit in the county employees' retirement fund each payroll period ending after December 31, 2002, an amount equal to four percent of the compensation paid in such payroll period to each employee hired or rehired by that county on or after February 25, 2002. Such deposit shall be paid out of the county funds or, at the county's election, in whole or in part through payroll deduction as described in subsection 2 of section 50.1040. All amounts due pursuant to this subsection shall be transmitted by the county treasurer to the county employees' retirement fund immediately following the payroll period for which such amounts are due. Each county clerk **or other county official responsible for payroll and personnel records** shall maintain a written or electronic log reflecting the employees hired or rehired by such county on or after February 25, 2002, the amount of each such employee's compensation, and the dollar amount due each payroll period by the county pursuant to this subsection with respect to each such employee, and shall provide such log to the county employees' retirement fund immediately following the payroll period for which such amounts are due.”; and



Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.  
Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

President Pro Tem Shields assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HB 1802**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 884**, begs leave to report that it has considered the same and recommends that the bill do pass.

### REFERRALS

President Pro Tem Shields referred **HCS** for **HB 1316**, with **SCS**, and **HCS No. 2** for **HB 1543**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Stouffer assumed the Chair.

### HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

**HB 2245**—Education.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 733**, entitled:

An Act to repeal sections 173.250, 173.1104, 173.1105, and 173.1108, RSMo, and to enact in lieu thereof four new sections relating to higher education student financial assistance, with an emergency clause for a certain section.

With House Amendment No. 1

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 733, Page 1, In the Title, Line 3, by deleting the words “student financial assistance”; and

Further amend said bill, Page 8, Section 173.1108, Line 11, by inserting after all of said line the following:

**“173.1205. 1. Notwithstanding any other provision of law, a for-profit or not-for-profit entity in**

which a public institution of higher education holds an ownership or membership interest shall not be deemed to be a public governmental body, quasi-public governmental body, or part of a public governmental body or quasi-public governmental body or otherwise subject to chapter 610, if such entity is engaged primarily in activities involving current or prospective commercialization of the skills or knowledge of the institution's faculty or of the institution's research, research capabilities, intellectual property, technology, or technological resources, provided that the public institution of higher education maintains as an open record an annual report, available no later than October first each year, identifying:

(1) The name and address of the entity, the amount of funds paid to such entity by the institution, any nonmonetary benefits received by the entity from the institution, and the purpose for which such funds were paid or benefits provided;

(2) The amount of funds received by the institution from such entity; and

(3) Any employees of the institution who received funds or other things of value from such entity and the purpose and amount of such funds or other things of value.

2. This provision shall not be construed to broaden the definition of public governmental body found in section 610.010, nor shall it otherwise be construed to mean, imply, or suggest that any entity constitutes a public governmental body unless such entity meets the definition of that term found in section 610.010.

3. Notwithstanding any other provision of law, meetings, records, and votes may be closed to the extent that they relate to records or information submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal or agreement to license intellectual property or perform sponsored research, in connection with opportunities for or results of collaboration involving students, faculty, or staff, or in connection with activities by the public institution of higher education to promote or pursue economic development and which contain sales projections or other business plan, financial information, or trade secrets the disclosure of which may endanger the competitiveness of a business.” ; and

Further amend said bill and page, Section B, Line 1, by inserting after the letter “B.” the following: “1.” ; and

Further amend said bill, page, and section, Line 7, by inserting after all of said line the following:

“2. Because immediate action is necessary to protect the intellectual property of the state’s higher education institutions while permitting its timely development through technology transfer, the enactment of section 173.1205 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 173.1205 of section A of this act shall be in full force and effect upon its passage and approval.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 644**.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 644, Page 4, Section 67.1361, Line 61, by inserting after all of said line the following:

“67.2000. 1. This section shall be known as the “Exhibition Center and Recreational Facility District Act”.

2. [Whenever not less than fifty owners of real property located within] **An exhibition center and recreational facility district may be created under this section in the following counties:**

(1) Any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants[, or];

(2) Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants[, or];

(3) Any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants[, or];

(4) Any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants[, or];

(5) Any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants[, or];

(6) Any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants[, or];

(7) Any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants[, or];

(8) Any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants[, or];

(9) Any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants[, or];

(10) Any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants[.];

(11) **Any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants;**

(12) **Any county of the third classification without a township form of government and with more than eighteen thousand nine hundred but fewer than nineteen thousand inhabitants;**

(13) **Any county of the third classification with a township form of government and with more**

**than eight thousand but fewer than eight thousand one hundred inhabitants;**

**(14) Any county of the third classification with a township form of government and with more than eleven thousand five hundred but fewer than eleven thousand six hundred inhabitants.**

**3. Whenever not less than fifty owners of real property located within any county listed in subsection 2 of this section** desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

(1) The name and residence of each petitioner and the location of the real property owned by the petitioner;

(2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and

(3) The name of the proposed district.

[3.] **4.** Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

(1) A description of the boundaries of the proposed district;

(2) The time and place of a hearing to be held to consider establishment of the proposed district;

(3) The proposed sales tax rate to be voted on within the proposed district; and

(4) The proposed uses for the revenue generated by the new sales tax.

[4.] **5.** Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

(1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;

(2) Hear all protests and receive evidence for or against the establishment of the proposed district; and

(3) Rule upon all protests, which determinations shall be final.

[5.] **6.** Following the hearing, if the governing body of each county located within the proposed district decides to establish the proposed district, it shall adopt an order to that effect; if the governing body of any county located within the proposed district decides to not establish the proposed district, the boundaries of the proposed district shall not include that county. The order shall contain the following:

(1) The description of the boundaries of the district;

(2) A statement that an exhibition center and recreational facility district has been established;

(3) The name of the district;

(4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and

(5) A declaration that the district is a political subdivision of the state.

[6.] 7. A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales within the district, which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the ..... (name of district) impose a sales tax of one-fourth of one percent to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities, for a period of ..... (insert number of years)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast in the portion of any county that is part of the proposed district favor the proposal, then the sales tax shall become effective in that portion of the county that is part of the proposed district on the first day of the first calendar quarter immediately following the election. If a majority of the votes cast in the portion of a county that is a part of the proposed district oppose the proposal, then that portion of such county shall not impose the sales tax authorized in this section until after the county governing body has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section. If the qualified voters in two or more counties that have contiguous districts approve the sales tax proposal, the districts shall combine to become one district.

[7.] 8. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated pursuant to this section consisting of four individuals to represent each county approving the district, as provided in this subsection. The governing body of each county located within the district, upon approval of that county's sales tax proposal, shall appoint four members to the board of trustees; at least one shall be an owner of a nonlodging business located within the taxing district, or their designee, at least one shall be an owner of a lodging facility located within the district, or their designee, and all members shall reside in the district except that one nonlodging business owner, or their designee, and one lodging facility owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five years of age and a resident of this state. Of the initial trustees appointed from each county, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. Trustees may be removed if:

(1) By a two-thirds vote, the board moves for the member's removal and submits such motion to the governing body of the county from which the trustee was appointed; and

(2) The governing body of the county from which the trustee was appointed, by a majority vote, adopts the motion for removal.

[8.] **9.** The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions, and proceedings;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a single exhibition center and recreational facilities or to assist in such activity. “Recreational facilities” means locations explicitly designated for public use where the primary use of the facility involves participation in hobbies or athletic activities;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be further secured by other property of the district, which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170, RSMo. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(6) To refund any bonds, notes, or other obligations of the district without an election. The terms and conditions of refunding obligations shall be substantially the same as those of the original issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding obligations in the same manner as is provided for the payment of interest and principal of obligations refunded;

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift, or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted by this section.

[9.] **10.** There is hereby created the “Exhibition Center and Recreational Facility District Sales Tax Trust Fund”, which shall consist of all sales tax revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri. The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

[10.] **11.** The sales tax authorized by this section is in addition to all other sales taxes allowed by law. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, apply to the sales tax imposed pursuant to this section.

[11.] **12.** Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the ..... (name of district) extend the sales tax of one-fourth of one percent for a period of ..... (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

[12.] **13.** Once the sales tax authorized by this section is abolished or terminated by any means, all funds

remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270, RSMo, or repurchase agreements secured by such securities. If the district abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

[13.] **14.** In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district.”; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 644, Section 67.1000, Page 2, Line 48, by inserting after all of said section the following:

“67.1360. **1.** The governing body of **the following cities and counties may impose a tax as provided in this section:**

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;



(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred

inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred ;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than

ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants; [or]

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

**(33) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants.**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 644, Section 67.1000, Page 2, Line 48, by inserting after all of said section the following:

**“67.1003. 1. The governing body of the following cities and counties may impose a tax as provided in this section:**

**(1)** Any city or county, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state, having more than three hundred fifty hotel and motel rooms inside such city or county;

**[(1)] (2)** A county of the third classification with a population of more than seven thousand but less than seven thousand four hundred inhabitants;

**[(2) or] (3)** A third class city with a population of greater than ten thousand but less than eleven thousand located in a county of the third classification with a township form of government with a population of more than thirty thousand;

**[(3) or] (4)** A county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-one thousand;

[(4) or] **(5)** Any third class city with a population of more than eleven thousand but less than thirteen thousand which is located in a county of the third classification with a population of more than twenty-three thousand but less than twenty-six thousand;

[(5) or] **(6)** Any city of the third classification with more than ten thousand five hundred but fewer than ten thousand six hundred inhabitants;

[(6) or] **(7)** Any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants;

**(8) Any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county.**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

[2.] **3.** Notwithstanding any other provision of law to the contrary, the tax authorized in this section shall not be imposed in any city or county already imposing such tax pursuant to any other law of this state, except that cities of the third class having more than two thousand five hundred hotel and motel rooms, and located in a county of the first classification in which and where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such county is imposed, may impose the tax authorized by this section of not more than one-half of one percent per occupied room per night.

[3.] **4.** The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

**If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.**

[4.] **5.** As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

**THIRD READING OF SENATE BILLS**

**SS for SCS for SB 884**, introduced by Senator Schaefer, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 884

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

Was taken up.

On motion of Senator Schaefer, **SS for SCS for SB 884** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—29			

NAYS—Senator Purgason—1

Absent—Senators

Barnitz	Mayer	Ridgeway	Vogel—4
---------	-------	----------	---------

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senator Purgason—1

Absent—Senators

Bray	Mayer	Ridgeway—3
------	-------	------------

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **RESOLUTIONS**

Senator Dempsey offered Senate Resolution No. 2412, regarding Susan Burns, which was adopted.

Senator Dempsey offered Senate Resolution No. 2413, regarding Laurie Harp and Jennifer Harp, which was adopted.

Senator Dempsey offered Senate Resolution No. 2414, regarding Tammie Hutto-Egloff, which was adopted.

Senator Dempsey offered Senate Resolution No. 2415, regarding Daniel Knickmeyer, which was adopted.

Senator Dempsey offered Senate Resolution No. 2416, regarding Richard Lueders, which was adopted.

Senator Dempsey offered Senate Resolution No. 2417, regarding Justin Oelger, which was adopted.

Senator Dempsey offered Senate Resolution No. 2418, regarding John Fischer, which was adopted.

Senator Dempsey offered Senate Resolution No. 2419, regarding Teresa Gilley, which was adopted.

Senator Dempsey offered Senate Resolution No. 2420, regarding Officer David P. Bauer, St. Charles County, which was adopted.

Senator Dempsey offered Senate Resolution No. 2421, regarding Detective Steve Everingham, which was adopted.

Senator Dempsey offered Senate Resolution No. 2422, regarding Officer David McNown, which was adopted.

Senator Dempsey offered Senate Resolution No. 2423, regarding Officer Paul Price, which was adopted.

Senator Dempsey offered Senate Resolution No. 2424, regarding Officer Tom Wilkison, which was adopted.

Senator Schaefer offered Senate Resolution No. 2425, regarding Rachel Jean Maerz, Columbia, which was adopted.

Senator Lager offered Senate Resolution No. 2426, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Long, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 2427, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Willis Rich, Savannah, which was adopted.

Senator Vogel offered Senate Resolution No. 2428, regarding Aaron Trotter Lewis, California, which was adopted.

On motion of Senator Engler, the Senate recessed until 2:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Dempsey.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1764**, with **SCS**, entitled:

An Act to repeal section 375.1175, RSMo, and to enact in lieu thereof one new section relating to the liquidation of certain domestic insurance companies.

Was called from the Informal Calendar and taken up by Senator Rupp.

**SCS** for **HCS** for **HB 1764**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1764**

An Act to repeal sections 375.1152, 375.1155, 375.1175, 375.1255, and 376.1109, RSMo, and to enact in lieu thereof ten new sections relating to insurance.

Was taken up.

Senator Rupp moved that **SCS** for **HCS** for **HB 1764** be adopted.

Senator Cunningham offered **SS** for **SCS** for **HCS** for **HB 1764**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1764**

An Act to repeal section 375.1175, RSMo, and to enact in lieu thereof two new sections relating to insurance, with a referendum clause.

Senator Cunningham moved that **SS** for **SCS** for **HCS** for **HB 1764** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **HCS** for **HB 1764** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Champion	Clemens	Crowell	Cunningham	Dempsey	Engler
Goodman	Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler	Pearce
Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel—26						

NAYS—Senators

Bray	Callahan	Days	Green	Justus	Keaveny	Wilson	Wright-Jones—8
------	----------	------	-------	--------	---------	--------	----------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 1868**, with **SCS**, introduced by Representative Scharnhorst, entitled:

An Act to repeal sections 37.320 and 109.250, RSMo, and to enact in lieu thereof two new sections relating to the state records commission.

Was taken up by Senator Shields.

**SCS** for **HB 1868**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1868

An Act to repeal sections 37.320 and 109.250, RSMo, and to enact in lieu thereof four new sections relating to the office of administration.

Was taken up.

Senator Shields moved that **SCS** for **HB 1868** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1868, Page 1, In the Title, Line 3, by striking the following: “the office of administration” and inserting in lieu thereof the following: “duties of agencies and officials operating within the executive branch”; and

Further amend said bill and page, section A, line 3, by inserting immediately after said line the following:

“32.028. 1. There is hereby created a department of revenue in charge of a director appointed by the governor, by and with the advice and consent of the senate. The department shall collect all taxes and fees payable to the state as provided by law.

2. The powers, duties and functions of the department of revenue, chapter 32, RSMo and others, are transferred by type I transfer to the department of revenue. All powers, duties and function of the collector of revenue are transferred to the director of the department by type I transfer and the position of collector of revenue is abolished.

3. The powers, duties and functions of the state tax commission, chapter 138, RSMo and others, are transferred by type III transfer to the department of revenue.

4. All of the powers, duties and functions of the state tax commission relating to administration of the corporation franchise tax chapter 152, RSMo and others, are transferred by type I transfer to the department of revenue; provided, however, that the provision of section 138.430, RSMo relating to appeals from decisions of the director of revenue shall apply to these taxes.

5. All the powers, duties and functions of the highway reciprocity commission, chapter 301, RSMo, are transferred by type II transfer to the department of revenue.

**6. All the powers, duties and functions of the division of alcohol and tobacco control, chapters 311**



**and 407, are transferred by type I transfer to the department of revenue. The supervisor of the division shall be appointed by the governor with the advice and consent of the senate. The supervisor shall appoint such agents, assistants, deputies and inspectors as limited by appropriations. All employees shall have the qualifications provided by law and may be removed by the supervisor with the advice and consent of the director of the department, notwithstanding the provisions of section 311.670.**

36.031. Any provision of law to the contrary notwithstanding, except for the elective offices, institutions of higher learning, the department of transportation, the department of conservation, those positions in the Missouri state highway patrol the compensation of which is established by subdivision (2) of subsection 2 of section 43.030, RSMo, and section 43.080, RSMo, [those positions in the Missouri state water patrol the compensation of which is established by section 306.229, RSMo,] those positions in the division of finance and the division of credit unions compensated through a dedicated fund obtained from assessments and license fees under sections 361.170 and 370.107, RSMo, and those positions for which the constitution specifically provides the method of selection, classification, or compensation, and the positions specified in subsection 1 of section 36.030, but including attorneys, those departments, agencies and positions of the executive branch of state government which have not been subject to these provisions of the state personnel law shall be subject to the provisions of sections 36.100, 36.110, 36.120 and 36.130, and the regulations adopted pursuant to sections 36.100, 36.110, 36.120 and 36.130 which relate to the preparation, adoption and maintenance of a position classification plan, the establishment and allocation of positions within the classification plan and the use of appropriate class titles in official records, vouchers, payrolls and communications. Any provision of law which confers upon any official or agency subject to the provisions of this section the authority to appoint, classify or establish compensation for employees shall mean the exercise of such authority subject to the provisions of this section. This section shall not extend coverage of any section of this chapter, except those specifically named in this section, to any agency or employee. In accordance with sections 36.100, 36.110, 36.120 and 36.130, and after consultation with appointing authorities, the director of the division of personnel shall conduct such job studies and job reviews and establish such additional new and revised job classes as the director finds necessary for appropriate classification of the positions involved. Such classifications and the allocation of positions to classes shall be maintained on a current basis by the division of personnel. The director of the division of personnel shall, at the same time, notify all affected agencies of the appropriate assignment of each job classification to one of the salary ranges within the pay plan then applicable to merit system agencies. The affected agencies and employees in the classifications set pursuant to this section shall be subject to the pay plan and rates of compensation established and administered in accordance with the provisions of this section, and the regulations adopted pursuant to this section, on the same basis as for merit agency employees. In addition, any elected official, institution of higher learning, the department of transportation, the department of conservation, the general assembly, or any judge who is the chief administrative officer of the judicial branch of state government may request the division of personnel to study salaries within the requestor's office, department or branch of state government for classification purposes.”; and

Further amend said bill, page 2, section 37.900, line 14, by inserting after all of said line the following:

“43.040. The superintendent shall appoint from the membership of the patrol one lieutenant colonel and [five] **six** majors, who shall have the same qualifications as the superintendent, and who may be relieved of the rank of lieutenant colonel or major, as the case may be, and the duties of the position by the superintendent at his pleasure.

43.050. 1. The superintendent may appoint not more than [twenty-five] **thirty-four** captains and one director of radio, each of whom shall have the same qualifications as the superintendent, nor more than [sixty] **sixty-eight** lieutenants, and such additional force of sergeants, corporals and patrolmen, so that the total number of members of the patrol shall not exceed [nine hundred sixty-five] **one thousand sixty-four** officers and patrolmen and such numbers of radio personnel as the superintendent deems necessary.

2. In case of a national emergency the superintendent may name additional patrolmen and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel called into military services.

3. The superintendent may enter into an agreement with the Missouri gaming commission to enforce any law, rule, or regulation, conduct background investigations under the laws of this state, and enforce the regulations of licensed gaming activities governed by chapter 313, RSMo. A notice of either party to terminate or modify the provisions of such agreement shall be in writing and executed not less than one year from the effective date of the termination or modification, unless mutually agreed upon by the superintendent and the Missouri gaming commission. Members of the patrol hired in conjunction with any agreement with the Missouri gaming commission shall not be subject to the personnel cap referenced in subsection 1 of this section. If such agreement is subsequently terminated or modified to reduce the number of personnel used in such agreement, those members affected by such termination or modification shall not be subject to the personnel cap referenced in subsection 1 of this section for a period of five years.

4. Member positions of the patrol originally acquired in conjunction with the community-oriented policing services federal grant or members assigned to fulfill the duties established in sections 43.350 to 43.380 shall not be subject to the personnel cap referenced in subsection 1 of this section.

5. Applicants shall not be discriminated against because of race, creed, color, national origin or sex.

**43.390. 1. Notwithstanding the provisions of subsection 1 of section 43.025, there is hereby created within the Missouri state highway patrol a “Division of Water Patrol”.**

**2. The superintendent of the Missouri state highway patrol shall appoint a director of the division of water patrol who shall be responsible for the operation of the division.**

**3. The superintendent of the Missouri state highway patrol may assign highway patrol members under the superintendent's command to serve in the division of water patrol on a permanent or temporary basis.**

**4. All officers assigned to the division of water patrol shall be vested with the powers prescribed in sections 306.165, 306.167, and 306.168.**

**5. All salaries, expenses, and other costs relating to the assignment of Missouri state highway patrol members to the division of water patrol shall be paid within the limits of appropriations from general revenue, the Missouri state water patrol fund established in section 306.185, or from such other funding as may be authorized by the general assembly.**

58.445. 1. If any person within a coroner's or medical examiner's jurisdiction dies within eight hours of, and as a result of, an accident involving a motor vehicle, the coroner or medical examiner shall report the death and circumstances of the accident to the Missouri state highway patrol in writing. If any person within a coroner's or medical examiner's jurisdiction dies within eight hours of, and as a result of, an accident involving a motorized watercraft and was thought to have been the operator of such watercraft, the

coroner or medical examiner shall report the death and circumstances of the accident to the Missouri state **highway patrol**, water patrol **division**, in writing. The report required by this subsection shall be made within five days of the conclusion of the tests required in subsection 2 of this section.

2. The coroner or medical examiner shall make, or cause to be made, such tests as are necessary to determine the presence and percentage concentration of alcohol, and drugs if feasible, in the blood of the deceased. The results of these tests shall be included in the coroner's or medical examiner's report to the state highway patrol [or the Missouri state water patrol,] as required by subsection 1 of this section.”; and

Further amend said bill, page 2, section 109.250, line 23, by inserting after all of said line the following:

“301.716. 1. Any violation of the provisions of sections 301.700 to 301.714 shall be an infraction. An arrest or service of summons for violations of the provisions of sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304 or 307, RSMo, as such provisions relate to all-terrain vehicles may be made by the duly authorized law enforcement officer of any political subdivision of the state, the highway patrol [and the state water patrol].

2. Violations of sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304 or 307, RSMo, as such provisions relate to all-terrain vehicles or any rule or order hereunder may be referred to the proper prosecuting attorney or circuit attorney who may, with or without such reference, institute appropriate proceedings.

3. Nothing in sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304 or 307, RSMo, as such provisions relate to all-terrain vehicles limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

306.010. As used in this chapter the following terms mean:

(1) “Motorboat”, any vessel propelled by machinery, whether or not such machinery is a principal source of propulsion;

(2) “Operate”, to navigate or otherwise use a motorboat or a vessel;

(3) “Operator”, the person who operates or has charge of the navigation or use of a vessel;

(4) “Owner”, a person other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest of another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security;

(5) “Parasailing”, the towing of any person equipped with a parachute or kite equipment by any watercraft operating on the waters of this state;

(6) “Personal watercraft”, a class of vessel, which is less than sixteen feet in length, propelled by machinery which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than being operated by a person sitting or standing inside the vessel;

(7) “Skiing”, any activity that involves a person or persons being towed by a vessel, including but not limited to waterskiing, wake boarding, wake surfing, knee boarding, and tubing;

(8) “Vessel”, every motorboat and every description of motorized watercraft, and any watercraft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, used or capable of being used as a means of transportation on water, but not any watercraft having as the only

means of propulsion a paddle or oars;

(9) “Watercraft”, any boat or craft, including a vessel, used or capable of being used as a means of transport on waters;

(10) **“Water patrol division of the state highway patrol” or “water patrol division”, the division responsible for enforcing the provisions of this chapter on the waters of this state. The revisor of statutes is instructed to replace the terms “Missouri state water patrol” or “state water patrol” wherever those terms exist in this chapter with the term “water patrol division”;**

(11) “Waters of this state”, any waters within the territorial limits of this state and lakes constructed or maintained by the United States Army Corps of Engineers except bodies of water owned by a person, corporation, association, partnership, municipality or other political subdivision, public water supply impoundments, and except drainage ditches constructed by a drainage district, but the term does include any body of water which has been leased to or owned by the state department of conservation.

306.165. Each [water] patrol officer [appointed by the Missouri state water patrol and each of such other employees as may be designated by the patrol, before entering upon his or her duties, shall take and subscribe an oath of office to perform all duties faithfully and impartially, and shall be given a certificate of appointment, a copy of which shall be filed with the secretary of state, granting] **assigned to the water patrol division by the superintendent of the highway patrol as provided in section 43.390 shall possess** all the powers of a peace officer to enforce all laws of this state, upon all of the following:

(1) The waterways of this state bordering the lands set forth in subdivisions (2), (3), (4), and (5) of this section;

(2) All federal land, where not prohibited by federal law or regulation, and state land adjoining the waterways of this state;

(3) All land within three hundred feet of the areas in subdivision (2) of this section;

(4) All land adjoining and within six hundred feet of any waters impounded in areas not covered in subdivision (2) with a shoreline in excess of four miles;

(5) All land adjoining and within six hundred feet of the rivers and streams of this state;

(6) Any other jurisdictional area, pursuant to the provisions of section 306.167;

(7) All premises leased or owned or under control of the Missouri state [water] **highway** patrol.

Each [water] patrol officer **assigned to the water patrol division** may board any watercraft at any time, with probable cause, for the purpose of making any inspection necessary to determine compliance with the provisions of this chapter. Each [water] patrol officer may arrest on view and without a warrant any person he or she sees violating or who such patrol officer has reasonable grounds to believe has violated any law of this state, upon any water or land area subject to his or her jurisdiction as provided in this section or may arrest anyone violating any law in his or her presence throughout the state. Each [water] patrol officer, while investigating an accident or crime that was originally committed within such patrol officer's jurisdiction, as set forth in this section, may arrest any person who he or she has probable cause to believe has committed such crime, even if the suspect is currently out of the **division of** water patrol's jurisdiction. [Water] Patrol officers, if practicable, shall notify the sheriff or the police department prior to making an arrest within their respective county or city. Each [water] patrol officer shall comply with the training and certification provisions of chapter 590, RSMo.

306.167. The uniformed members of the [state] water patrol **division**, with the exception of radio personnel, shall have full power and authority as now or hereafter vested by law in peace officers when working with and at the special request of the sheriff of any county, the chief park ranger of any first class county not having a charter form of government and containing a portion of a city with a population exceeding four hundred thousand inhabitants, the chief of police of any city, or the superintendent of the state highway patrol [as directed by the commissioner of the water patrol]; provided, however, that such power and authority shall be exercised only upon the prior notification of the chief law enforcement officer of each jurisdiction.

306.168. In the investigation of an accident or crime that was originally committed within such patrol officer's jurisdiction, as set forth in section 306.165, the members of the water patrol **division** may request that the prosecuting or circuit attorney apply for, and members of the water patrol **division** may serve, search warrants anywhere within the state of Missouri, provided the sheriff of the county in which the warrant is to be served, or his designee, shall be notified upon application by the applicant of the search warrant. **The sheriff or his designee shall participate in serving the search warrant except for offenses pertaining to boating while intoxicated and the investigation of vessel accidents. Any designee of the sheriff shall be a deputy sheriff or other person certified as a peace officer under chapter 590. The sheriff shall always have a designee available.**

306.185. 1. There is hereby created in the state treasury the "Missouri State Water Patrol Fund", which shall consist of money collected under section 306.030. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the expenses of the Missouri state **highway patrol**, water patrol **division**, including but not limited to [personal] **personnel** expense, training expense, and equipment expense **for the purpose of enforcing the laws of this chapter.**

2. Notwithstanding the provisions of section 33.080, RSMo, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. Within available appropriations in this section, the commissioner of the water patrol shall establish with the advice of the director of personnel an equitable pay plan for the members of the water patrol and radio personnel taking into consideration ranks and length of service.

5. If in the immediate previous fiscal year, the state's net general revenue did not increase by two percent or more, the state treasurer shall deposit moneys, except for gifts, donations, or bequests, received under this section beginning January first of the current fiscal year into the state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in accordance with the provisions of this section.

311.615. There shall be a division within the department of [public safety] **revenue** known as the "Division of Alcohol and Tobacco Control", which shall have as its chief executive officer the supervisor of alcohol and tobacco control appointed pursuant to section 311.610. All references to the division of liquor control and the supervisor of liquor control in the statutes shall mean the division of alcohol and tobacco control and the supervisor of alcohol and tobacco control.

407.924. 1. The division of [liquor] **alcohol and tobacco** control within the department of [public safety] **revenue** shall implement and enforce the provisions of sections 407.925 to 407.934.

2. Beginning January 1, 2003, the division of [liquor] **alcohol and tobacco** control shall submit an annual report to the general assembly on the effectiveness of sections 407.925 to 407.934 in reducing tobacco possession by minors and the enforcement activities by the division for violations of sections 407.925 to 407.934.

542.261. As used in sections 542.261 to 542.296 and section 542.301, the term “peace officer” means a police officer, member of the highway patrol [or water patrol] to the extent otherwise permitted by law to conduct searches, sheriff or deputy sheriff.

544.157. 1. Any law enforcement officer certified pursuant to chapter 590, RSMo, of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police[,], **and** any commissioned member of the Missouri state park rangers [and any authorized agent of the Missouri state water patrol] in fresh pursuit of a person who is reasonably believed by such officer to have committed a felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer's, conservation agent's, capitol police officer's[,], **or** state park ranger's [or water patrol officer's] jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer's jurisdiction and has lost contact with the person being pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.

2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense; if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court with original criminal jurisdiction in the county wherein such arrest was made or before a municipal judge thereof having original jurisdiction to try such offense, who may release the person as provided in section 544.455, conditioned upon such person's appearance before the court having jurisdiction to try the offense. The person so arrested need not be taken before a judge as herein set out if given a summons by the arresting officer.

3. The term “fresh pursuit”, as used in this section, shall include hot or fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit in this state a criminal offense or violation of municipal or county ordinance in the presence of the arresting officer referred to in subsection 1 of this section or for whom such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. “Fresh pursuit” as used herein shall imply instant pursuit.

4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum standards:

(1) There shall be supervisory control of the pursuit;

(2) There shall be procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;

(3) There shall be procedures for coordinating operation with other jurisdictions; and

(4) There shall be guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.

577.090. Any law enforcement officer shall and any agent of the conservation commission or deputy or **member of the highway patrol**, water patrol [officer] **division**, may enforce the provisions of sections 577.070 and 577.080 and arrest violators thereof; except that conservation agents [and water patrolmen] may enforce such provisions only upon the water, the banks thereof or upon public land.

650.005. 1. There is hereby created a "Department of Public Safety" in charge of a director appointed by the governor with the advice and consent of the senate. The department's role will be to provide overall coordination in the state's public safety and law enforcement program, to provide channels of coordination with local and federal agencies in regard to public safety, law enforcement and with all correctional and judicial agencies in regard to matters pertaining to its responsibilities as they may interrelate with the other agencies or offices of state, local or federal governments.

2. All the powers, duties and functions of the state highway patrol, chapter 43, RSMo, and others, are transferred by type II transfer to the department of public safety. The governor by and with the advice and consent of the senate shall appoint the superintendent of the patrol. With the exception of sections 43.100 to 43.120, RSMo, relating to financial procedures, the director of public safety shall succeed the state highways and transportation commission in approving actions of the superintendent and related matters as provided in chapter 43, RSMo. Uniformed members of the patrol shall be selected in the manner provided by law and shall receive the compensation provided by law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to affect the funding of appropriations or the operation of chapter 104, RSMo, relating to retirement system coverage or section 226.160, RSMo, relating to workers' compensation for members of the patrol.

3. [All the powers, duties and functions of the supervisor of liquor control, chapter 311, RSMo, and others, are transferred by type II transfer to the department of public safety. The supervisor shall be nominated by the department director and appointed by the governor with the advice and consent of the senate. The supervisor shall appoint such agents, assistants, deputies and inspectors as limited by appropriations. All employees shall have the qualifications provided by law and may be removed by the supervisor or director of the department as provided in section 311.670, RSMo.

4. The director of public safety, superintendent of the highway patrol and transportation division of the department of economic development are to examine the motor carrier inspection laws and practices in Missouri to determine how best to enforce the laws with a minimum of duplication, harassment of carriers and to improve the effectiveness of supervision of weight and safety requirements and to report to the governor and general assembly by January 1, 1975, on their findings and on any actions taken.

5. The Missouri division of highway safety is transferred by type I transfer to the department of public safety. The division shall be in charge of a director who shall be appointed by the director of the department.

6.] All the powers, duties and functions of the safety and fire prevention bureau of the department of public health and welfare are transferred by type I transfer to the director of public safety.

[7.] 4. All the powers, duties and functions of the state fire marshal, chapter 320, RSMo, and others, are transferred to the department of public safety by a type I transfer.

[8.] **5.** All the powers, duties and functions of the law enforcement assistance council administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and related acts of Congress are transferred by type I transfer to the director of public safety. The director of public safety shall appoint such advisory bodies as are required by federal laws or regulations. The council is abolished.

[9.] **6.** The director of public safety shall promulgate motor vehicle regulations and be ex officio a member of the safety compact commission in place of the director of revenue and all powers, duties and functions relating to chapter 307, RSMo, are transferred by type I transfer to the director of public safety.

[10.] **7.** The office of adjutant general and the state militia are assigned to the department of public safety; provided, however, nothing herein shall be construed to interfere with the powers and duties of the governor as provided in article IV, section 6 of the Constitution of the state of Missouri or chapter 41, RSMo.

[11.] **8.** All the powers, duties and functions of the Missouri boat commission, chapter 306, RSMo, and others, are transferred by type I transfer to the “Missouri State Water Patrol”, which is hereby created, in the department of public safety. The Missouri boat commission and the office of secretary to the commission are abolished. [The Missouri state water patrol shall be headed by a boat commissioner who shall be appointed by the governor, with the advice and consent of the senate.] All deputy boat commissioners and all other employees of the commission who were employed on February 1, 1974, shall be transferred to the water patrol without further qualification. **Effective January 1, 2011, all the powers, duties, and functions of the Missouri state water patrol are transferred to the division of water patrol within the Missouri state highway patrol as set out in section 43.390.**

[12.] **9.** The [division of veterans affairs] **Missouri veterans's commission**, chapter 42, RSMo, is assigned to the [office of adjutant general. The adjutant general, with the advice of the veterans' board, shall appoint the director of the division of veterans affairs who shall serve at the pleasure of the adjutant general] **department of public safety.**

[13.] **10.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend said bill, page 3, section 1, line 7, by inserting after all of said line the following:

“[306.161. The Missouri state water patrol is authorized to employ, within the limits of appropriations and notwithstanding any other provision of law to the contrary, such personnel as may be necessary to properly perform the duties of the water patrol, and the water patrol shall prescribe the duties and responsibilities of such personnel.]

[306.163. 1. The governor, by and with the advice and consent of the senate, shall appoint a commissioner of the Missouri state water patrol to serve at the pleasure of the governor. The commissioner shall take and subscribe an oath of office to perform the commissioner's duties faithfully and impartially. The commissioner appointed by the governor shall have at least ten years of experience in law enforcement similar to the duties



exercised by uniformed officers of the state water patrol or at least five years of experience as a uniformed officer of the state water patrol.

2. The commissioner shall prescribe rules for instruction and discipline and make administrative rules and regulations and fix the hours of duty for the members of the patrol. The commissioner shall have charge of the office of the patrol, shall be custodian of the records of the patrol, and shall direct the day-to-day activities of the officers, patrolmen and office personnel.

3. The commissioner shall be given a certificate of appointment, a copy of which shall be filed with the secretary of state, granting him or her all the powers of a peace officer to enforce all the laws of this state within the jurisdiction of the water patrol as listed in section 306.165, provided that he has completed a law enforcement training course which meets the standards established in chapter 590, RSMo.

4. In the absence, or upon the disability, of the commissioner, or at the time the commissioner designates, the lieutenant colonel shall assume the duties of the commissioner. In case of the disability of the commissioner and the lieutenant colonel, the governor may designate a major as acting commissioner and when so designated, the acting commissioner shall have all the powers and duties of the commissioner.]

[306.227. Patrolmen and radio personnel of the water patrol shall not be less than twenty-one years of age. No person shall be appointed as commissioner or as a member of the patrol or as a member of the radio personnel who:

(1) Has been convicted of a felony or any crime involving moral turpitude, or against whom any indictment or information may then be pending charging the person with having committed a crime;

(2) Is not of good character;

(3) Is not a citizen of the United States;

(4) At the time of appointment is not a citizen of the state of Missouri;

(5) Has not completed a high school program of education under chapter 167, RSMo, or has not obtained a General Educational Development (GED) certificate, and who has not obtained advanced education and experience as approved by the commissioner; or

(6) Does not possess ordinary physical strength, and who is not able to pass the physical and mental examination that the commissioner prescribes.]

[306.228. 1. The commissioner may appoint from within the membership not more than one assistant commissioner, two majors, nine captains, nine lieutenants, and one director of radio, each of whom shall have the same qualifications as the commissioner, and such additional force of sergeants, corporals and patrolmen and such numbers of radio personnel as the commissioner deems necessary.

2. In case of a national emergency the commissioner may name additional patrolmen and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel called into military services.

3. Applicants shall not be discriminated against because of race, creed, color, national origin, religion or sex.]

[306.229. 1. The commissioner is authorized and empowered to prescribe policies providing increases in the salaries of patrolmen and radio personnel of the water patrol, subject to appropriations. Each year, prior to January first, the commissioner shall submit a salary schedule report to the governor, speaker of the house of representatives, and the president pro tem of the senate. The salary schedule report prepared by the commissioner shall include, in addition to other matters deemed pertinent to the commissioner, a comparison of the salaries of police officers of three police departments that employ similar numbers of patrol officers in the state. Such report shall also include a full description and comparison of each department position used to determine parity for all patrol positions of sergeant and above. The governor may make additional recommendations to the report and forward them to the speaker of the house of representatives and president pro tem of the senate. The speaker of the house of representatives and the president pro tem of the senate may assign the salary schedule report to the appropriate standing committees to review the salary comparisons to ensure that parity, as adjusted for equivalent duties and functions, in the salary of patrolmen and radio personnel of the water patrol and officers of the three police departments that employ similar numbers of patrol officers in the state is maintained. The commissioner of the water patrol shall testify before the appropriate committee on the salary schedule report if called up by such committee.

2. The service of a member of the patrol, who has served in the armed forces of the United States and who has subsequently been reinstated as a member of the patrol within ninety days after receiving a discharge other than dishonorable from the armed forces of the United States, shall be considered service with the patrol as a member of the patrol rendered since last becoming a member prior to entrance into the armed forces of the United States; except that no member shall be entitled to any credit, privilege or benefit provided by this chapter if such reenlistment, waiver of discharge, acceptance of commission or any other action with the armed forces beyond the period of service for which such member was originally commissioned, enlisted, inducted or called.]

[306.230. 1. The commissioner shall prescribe rules for instruction and discipline and make all administrative rules and regulations and fix the hours of duty for the members of the patrol. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void. The commissioner shall divide the state into districts and assign members of the patrol to such districts in a manner deemed proper to carry out the purposes of this chapter. The commissioner may call members of the patrol from one district to another.

2. The commissioner may, by general order, establish for the circumstances under

which members of the patrol are promoted. The commissioner shall classify and, by promotion, increase the rank of lieutenant colonels, majors, captains, lieutenants, sergeants, corporals, patrolmen, and radio personnel from the next lower rank after not less than one year of service satisfactorily performed therein. If the commissioner finds the candidate pool to fill a position through promotion is not sufficient from which to select, the commissioner may promote an individual from the next lower rank.]

[306.232. 1. After a probation period of one year, members of the patrol shall be subject to removal, reduction in rank, or suspension of more than three days only for cause after a petition with a formal charge has been filed in writing before or by the commissioner and upon a finding and vote by a majority of a board of six patrol members after a hearing. The members of the board shall be randomly selected from districts or divisions other than that of the accused. The board shall be composed of six unbiased members including one nonvoting captain, one lieutenant, and four members of the same rank as the accused member. The randomly selected captain shall serve as presiding officer at the hearing. Within thirty days after the petition is filed, unless the accused consents to an extension of the time, the board shall conduct a hearing and report to the commissioner the finding and vote of the majority of the board, whether the charges are true, and what discipline, if any, should be imposed. All lawful rules, regulations, and orders of the commissioner shall be obeyed by the members of the patrol, who shall be subject to dismissal or one or more of the following as adjudged by the commissioner:

(1) Suspension without pay for not more than thirty days;

(2) Reduction in rank; or

(3) Disciplinary transfer at the member's expense. Nothing in this section shall be construed to prevent nondisciplinary transfers of members if the commissioner determines that such transfers are for the good of the patrol. No hearings shall be required in the case of reprimands or suspensions of three days or less which may be imposed at the discretion of the commissioner.

2. If a complaint is filed against a member, the member shall be provided a copy of the complaint promptly after the complaint is filed by or received by the patrol. Unless the member consents in writing to an earlier time, the member shall not be questioned by the patrol about the complaint or ordered to respond in writing to the complaint until forty-eight hours after the member has received a copy of the complaint. The member shall have a reasonable opportunity to have counsel present during any questioning related to the complaint. Prior to the commissioner or the patrol making an initial recommendation of discipline, the member shall be entitled to a copy of any investigation reports and any other written or recorded information or other evidence reviewed by the patrol which relates to the complaint; and the member will be afforded an opportunity to present a written response thereto.

3. Notwithstanding the provisions of this subsection or subsection 2 of this section to the contrary, the commissioner may postpone notifying a member that a complaint has been filed against him or her and may withhold the complaint and part or all of the investigation report and other evidence if the commissioner determines that such disclosures shall

seriously interfere with the investigation regarding such complaint or any other investigation being conducted by the patrol or may likely jeopardize the health or safety of any person. Nothing in this subsection shall be construed to limit the rights of parties to discovery in civil or criminal litigation.]; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Schaefer offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Bill No. 1868, Page 2, Section 32.028, Line 12, by striking the words “type I” and inserting in lieu thereof the following: “**type II**”.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting after all of said line the following:

“36.050. 1. The personnel advisory board and its functions, duties and powers prescribed in this chapter is transferred by type III transfer to the office of administration.

2. The personnel advisory board shall consist of seven members. Four members of the board shall be public members, citizens of the state who are not state employees or officials, of good character and reputation, who are known to be in sympathy with the application of merit principles to public employment. Two members shall be employees of state agencies covered by section 36.030 or section 36.031, one a member of executive management, and one a nonmanagement employee. [Members who are employees shall not participate in disciplinary appeal decisions from their agencies.] The state equal employment opportunity officer shall be a member of the board. No member of the board, during the member's term of office, or for at least one year prior thereto, shall be a member of any local, state or national committee of a political party or an officer or member of a committee in any partisan political club or organization, or hold, or be a candidate for, a partisan public office. An employee member who leaves state employment or otherwise fails to further qualify for the appointment shall vacate the position.

3. The members of the board shall be appointed by the governor by and with the advice and consent of the senate. The three current members of the board serving terms which expire July 31, 1998, July 31, 2000, and July 31, 2002, shall continue to serve for the terms for which they were previously appointed. One new public member shall be appointed for a term ending July 31, 1998, one employee member shall be appointed for a term ending July 31, 2000, and one employee member shall be appointed for a term ending July 31, 2002. Thereafter, appointments of all members shall be for terms of six years. Any vacancy shall be filled by an appointment for the unexpired term. Each member of the board shall hold office until such member's

successor is appointed and qualified.

4. A member of the board is removable by the governor only for just cause, after being given a written notice setting forth in substantial detail the charges against the member and an opportunity to be heard publicly on the charges before the governor. A copy of the charges and a transcript of the record of the hearing shall be filed with the secretary of state.

5. Each public member of the board shall be paid an amount for each day devoted to the work of the board which shall be determined by the commissioner of administration and filed with the reorganization plan of the office of administration; provided, however, that such amount shall not exceed that paid to members of boards and commissions with comparable responsibilities. All board members are entitled to reimbursement for necessary travel and other expenses pertaining to the duties of the board. Duties performed for the board by any employee member of the board shall be considered duties in connection with the appointment of the individual, and such employee member shall suffer no loss of regular compensation by reason of performance of such duties.

6. The board shall elect from among its membership a chairman and vice chairman, who shall act as chairman in the chairman's absence. It shall meet at the times and places specified by call of the chairman, the governor, or the director. At least one meeting shall be held every three months. All regular meetings are open to the public. Notice of each meeting shall be given in writing to each member by the director. Two members shall constitute a quorum until January 1, 1997, thereafter, four members shall constitute a quorum for the transaction of official business.

7. To assist in the performance of its duties the board may employ staff from funds appropriated for this purpose; provided, however, that this provision shall not be interpreted to limit the ability of the personnel director to provide assistance to the board.

36.060. 1. In addition to the duties imposed upon it elsewhere in this chapter, it shall be the duty of the board:

(1) [To conduct hearings and render decisions on appeals as provided in this act;

(2)] To make any investigation which it may consider desirable concerning the administration of personnel subject to this law;

[(3)] (2) To hold regular meetings with appointing authorities to propose methods of resolving general personnel problems;

[(4)] (3) To make annual reports, and such special reports as it considers desirable, to the governor and the general assembly regarding personnel administration in the state service and recommendations there. These special reports shall evaluate the effectiveness of the personnel division and the appointing authority in their operations under this law;

[(5)] (4) To make such suggestions and recommendations to the governor and the director relating to the state's employment policies as will promote morale, efficiency and uniformity in compensation of the various employees in the state service;

[(6)] (5) To promulgate rules and regulations to ensure that no applicant or employee is discriminated against on the basis of race, creed, color, religion, national origin, sex, ancestry or handicap.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

36.150. 1. Every appointment or promotion to a position covered by this chapter shall be made on the basis of merit as provided in this chapter. Demotions in and dismissals from employment shall be made for cause under rules and regulations of the board uniformly applicable to all positions of employment. No appointment, promotion, demotion or dismissal shall be made because of favoritism, prejudice or discrimination. The regulations shall prohibit discrimination in other phases of employment and personnel administration and shall provide such remedy as is required by federal merit system standards for grant-in-aid programs [and is not provided in chapter 296, RSMo].

2. Political endorsements shall not be considered in connection with any such appointment.

3. No person shall use or promise to use, directly or indirectly, for any consideration whatsoever, any official authority or influence to secure or attempt to secure for any person an appointment or advantage in appointment to any such position or an increase in pay, promotion or other advantage in employment.

4. No person shall in any manner levy or solicit any financial assistance or subscription for any political party, candidate, political fund, or publication, or for any other political purpose, from any employee in a position subject to this chapter, and no such employee shall act as agent in receiving or accepting any such financial contribution, subscription, or assignment of pay. No person shall use, or threaten to use, coercive means to compel an employee to give such assistance, subscription, or support, nor in retaliation for the employee's failure to do so.

5. No such employee shall be a candidate for nomination or election to any partisan public office or nonpartisan office in conflict with that employee's duties unless such person resigns, or obtains a regularly granted leave of absence, from such person's position.

6. No person elected to partisan public office shall, while holding such office, be appointed to any position covered by this chapter.

7. Any officer or employee in a position subject to this chapter who purposefully violates any of the provisions of this section shall forfeit such office or position. If an appointing authority finds that such a violation has occurred, or is so notified by the director, this shall constitute cause for dismissal pursuant to section 36.390 and a final determination by the [board] **administrative hearing commission** as to the occurrence of a violation.

36.280. 1. An appointing authority may at any time assign an employee from one position to another position in the same class in the appointing authority's division; except that, transfers of employees made because of a layoff, or shortage of work or funds which might require a layoff, shall be governed by the regulations. Upon making such an assignment the appointing authority shall forthwith give written notice of the appointing authority's action to the director. A transfer of an employee from a position in one division to a position in the same class in another division may be made with the approval of the director and of the appointing authorities of both divisions. No employee shall be transferred from a position in one class to a position in another class of a higher rank or for which there are substantially dissimilar requirements for appointment unless the employee is appointed to such latter position after certification of the employee's name from a register in accordance with the provisions of this chapter. Any change of an employee from a position in one class to a position in a class of lower rank shall be considered a demotion and shall be made only in accordance with the procedure prescribed by section 36.380 for cases of dismissal. An employee thus involuntarily demoted shall have the right to appeal to the [board] **administrative hearing commission** pursuant to section 36.390.

2. An employee who has successfully served at least one year in a position not subject to subsection 1 of section 36.030, but which is subject to section 36.031, may be transferred to a position subject to subsection 1 of section 36.030 in the same class with the approval of the director and of the appointing authorities of both divisions, provided he or she possesses the qualifications and has successfully completed a noncompetitive examination for the position involved.

36.370. 1. An appointing authority may, for disciplinary purposes, suspend without pay any employee in his division for such length of time as he considers appropriate, not exceeding twenty working days in any twelve-month period except that this limitation shall not apply in the event of a terminal suspension given in conjunction with a dismissal. In case of a suspension, the director shall be furnished with a statement in writing specifically setting forth the reasons for such suspension. Upon request, a copy of such statement shall be furnished to such employee. With the approval of the director, any employee may be suspended for a longer period pending the investigation or trial of any charges against him. Any regular employee who is suspended for more than five working days shall have the right to appeal to the [board] **administrative hearing commission** as provided under section 36.390.

2. An appointing authority may not suspend without pay any employee in his division who is a member of the national guard and is engaged in the performance of duty or training in the service of this state at the call of the governor and as ordered by the adjutant general, but shall grant a leave of absence from duty without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits, to which otherwise entitled, and shall pay that employee his salary or compensation for the entire period of absence for that purpose.

36.380. An appointing authority may dismiss for cause any employee in his division occupying a position subject hereto when he considers that such action is required in the interests of efficient administration and that the good of the service will be served thereby. No dismissal of a regular employee shall take effect unless, prior to the effective date thereof, the appointing authority gives to such employee a written statement setting forth in substance the reason therefor and files a copy of such statement with the director. When it is not practicable to give the notice of dismissal to an employee in person, it may be sent to the employee by certified or registered mail, return receipt requested, at his last mailing address as shown in the personnel records of the appointing authority. Proof of refusal of the employee to accept delivery or the inability of postal authorities to deliver such mail shall be accepted as evidence that the required notice of dismissal has been given. If the director determines that the statement of reasons for the dismissal given by the appointing authority shows that such dismissal does not reflect discredit on the character or conduct of the employee, he may, upon request of the employee, approve reemployment under section 36.240, in any class in which the employee has held regular status. Any regular employee who is dismissed shall have the right to appeal to the [board] **administrative hearing commission** as provided under section 36.390.

36.390. 1. An applicant whose request for admission to any examination has been rejected by the director may appeal to the [board] **administrative hearing commission** in writing within fifteen days of the mailing of the notice of rejection by the director, and in any event before the holding of the examination. The [board's] **commission's** decision on all matters of fact shall be final.

2. Applicants may be admitted to an examination pending a consideration of the appeal, but such admission shall not constitute the assurance of a passing grade in education and experience.

3. Any applicant who has taken an examination and who feels that he or she has not been dealt with fairly in any phase of the examination process may request that the director review his or her case. Such

request for review of any examination shall be filed in writing with the director within [thirty] **fifteen** days after the date on which notification of the results of the examination was mailed to the applicant. A candidate may appeal the decision of the director in writing to the [board] **administrative hearing commission**. This appeal shall be filed with the [board] **administrative hearing commission** within [thirty] **fifteen** days after date on which notification of the decision of the director was mailed to the applicant. The [board's] **commission's** decision with respect to any changes shall be final, and shall be entered in the minutes. A correction in the rating shall not affect a certification or appointment which may have already been made from the register.

4. An eligible whose name has been removed from a register for any of the reasons specified in section 36.180 or in section 36.240 may appeal to the [board] **administrative hearing commission** for reconsideration. Such appeal shall be filed in writing [at] **with** the [office of the director] **administrative hearing commission** within [thirty] **fifteen** days after the date on which notification was mailed to the [board] **eligible**. The [board] **commission**, after investigation, shall make its decision which shall be recorded in the minutes and the eligible shall be notified accordingly by the director.

5. Any regular employee who is dismissed or involuntarily demoted for cause or suspended for more than five working days may appeal in writing to the [board] **administrative hearing commission** within thirty days after the effective date thereof, setting forth in substance the employee's reasons for claiming that the dismissal, suspension or demotion was for political, religious, or racial reasons, or not for the good of the service. [Upon such appeal, both the appealing employee and the appointing authority whose action is reviewed shall have the right to be heard and to present evidence at a hearing which, at the request of the appealing employee, shall be public. At the hearing of such appeals, technical rules of evidence shall not apply. After the hearing and consideration of the evidence for and against a suspension, demotion, or dismissal, the board shall approve or disapprove such action and may make any one of the following appropriate orders:

(1) Order the reinstatement of the employee to the employee's former position;

(2) Sustain the dismissal of such employee;

(3) Except as provided in subdivisions (1) and (2) of this subsection, the board may sustain the dismissal, but may order the director to recognize reemployment rights for the dismissed employee pursuant to section 36.240, in an appropriate class or classes, or may take steps to effect the transfer of such employee to an appropriate position in the same or another division of service.

6. Any order by the board under subsection 5 of this section shall be a final decision on the merits and may be appealed as provided in chapter 536, RSMo.

7. After an order of reinstatement has been issued and all parties have let the time for appeal lapse or have filed an appeal and that appeal process has become final and the order of reinstatement has been affirmed, the board shall commence a separate action to determine the date of reinstatement and the amount of back pay owed to the employee. This action may be done by hearing, or by affidavit, depositions, or stipulations, or by agreement on the amount of back pay owed. If the parties cannot reach an agreement as to how the parties shall be heard on this separate action, then the board shall decide on the method through its hearing officer. No hearing will be public unless requested to be public by the employee.

8. The board shall establish such rules as may be necessary to give effect to the provisions of this section. The rules may provide that the board or the chairman of the board may delegate responsibility for



the conduct of investigations and the hearing of appeals provided pursuant to any section of this chapter to a member of the board or to a hearing officer designated by the board. Such hearing officer shall have the power to administer oaths, subpoena witnesses, compel the production of records pertinent to any hearing, and take any action in connection with such hearing which the board itself is authorized to take by law other than making the final decision and appropriate order. When the hearing has been completed, the individual board member or the hearing officer who conducted the hearing shall prepare a summary thereof and recommend a findings of fact, conclusions of law, decision and appropriate order for approval of the board. The board may adopt such recommendations in whole or in part, require the production of additional testimony, reassign the case for rehearing, or may itself conduct such new or additional hearing as is deemed necessary prior to rendering a final decision. The board may also establish rules which provide for alternative means of resolving one or more of the types of appeals outlined in this section.]

[9.] 6. The provisions for appeals provided in subsection 5 of this section for dismissals of regular merit employees may be adopted by nonmerit agencies of the state for any or all employees of such agencies.

[10.] 7. Agencies not adopting the provisions for appeals provided in subsection 5 of this section shall adopt dismissal procedures substantially similar to those provided for merit employees. However, these procedures need not apply to employees in policy-making positions, or to members of military or law enforcement agencies.

[11.] 8. Hearings under this section shall be deemed to be a contested case and the procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536, RSMo. Decisions of the [personnel advisory board] **administrative hearing commission** shall be final and binding subject to appeal by either party. Final decisions of the [personnel advisory board] **administrative hearing commission** pursuant to this subsection shall be subject to review on the record by the circuit court pursuant to chapter 536, RSMo.

36.400. The [board] **administrative hearing commission**, each [member of the board,] **commissioner** and the director shall have power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this law. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing, or who shall knowingly give false testimony therein, shall be guilty of a misdemeanor.”; and

Further amend said bill, Page 2, Section 37.900, Line 14, by inserting after all of said line the following:

“105.055. 1. No supervisor or appointing authority of any state agency shall prohibit any employee of the agency from discussing the operations of the agency, either specifically or generally, with any member of the legislature, state auditor, attorney general, or any state official or body charged with investigating such alleged misconduct.

2. No supervisor or appointing authority of any state agency shall:

(1) Prohibit a state employee from or take any disciplinary action whatsoever against a state employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:

(a) A violation of any law, rule or regulation; or

(b) Mismanagement, a gross waste of funds or abuse of authority, or a substantial and specific danger

to public health or safety, if the disclosure is not specifically prohibited by law; or

(2) Require any such employee to give notice to the supervisor or appointing authority prior to making any such report.

3. This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority as to legislative requests for information to the agency or the substance of testimony made, or to be made, by the employee to legislators on behalf of the employee to legislators on behalf of the agency;

(2) Permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee;

(3) Authorizing an employee to represent the employee's personal opinions as the opinions of a state agency; or

(4) Restricting or precluding disciplinary action taken against a state employee if: the employee knew that the information was false; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

4. As used in this section, "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.

5. Any employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the [state personnel advisory board] **administrative hearing commission**; provided that the appeal shall be filed with the appropriate agency review board or body of nonmerit agency employers which have established appeal procedures substantially similar to those provided for merit employees in subsection 5 of section 36.390, RSMo. The appeal shall be filed within thirty days of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with chapter [36] **536**, RSMo. If the [board] **commission** or appropriate review body finds that disciplinary action taken was unreasonable, the [board] **commission** or appropriate review body shall modify or reverse the agency's action and order such relief for the employee as the [board] **commission** considers appropriate. If the [board] **commission** finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the [board] **commission** or appropriate review body in such cases may be appealed by any party pursuant to law.

6. Each state agency shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees of the agency.

7. (1) In addition to the remedies in subsection 6 of this section, a person who alleges a violation of this section may bring a civil action for damages within ninety days after the occurrence of the alleged violation.

(2) A civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides.

(3) An employee must show by clear and convincing evidence that he or she or a person acting on his or her behalf has reported or was about to report, verbally or in writing, a prohibited activity or a suspected prohibited activity.

(4) A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, actual damages, and may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees.”; and

Further amend said bill, Page 2, Section 109.250, Line 23, by inserting after all of said line the following:

“621.015. The “Administrative Hearing Commission” is assigned to the office of administration. It shall consist of no more than [three] **five** commissioners. The commissioners shall be appointed by the governor with the advice and consent of the senate. The term of each commissioner shall be for six years and until his successor is appointed, qualified and sworn. The commissioners shall be attorneys at law admitted to practice before the supreme court of Missouri, but shall not practice law during their term of office. Each commissioner shall receive annual compensation of fifty-one thousand dollars plus any salary adjustment provided pursuant to section 105.005, RSMo. Each commissioner shall also be entitled to actual and necessary expenses in the performance of his duties. The office of the administrative hearing commission shall be located in the City of Jefferson and it may employ necessary clerical assistance, compensation and expenses of the commissioners to be paid from appropriations made for that purpose.

**621.075. 1. Except as otherwise provided by law, any employee with merit status who has been dismissed or involuntarily demoted for cause or suspended for more than five working days shall have the right to appeal to the administrative hearing commission. Any such person shall be entitled to a hearing before the administrative hearing commission by the filing of an appeal setting forth in substance the employee's reasons for claiming that the dismissal, suspension, or demotion was for political, religious, or racial reasons, or not for the good of the service with the administrative hearing commission within thirty days after the effective date of the action. The decision of the appointing authority shall contain a notice of the right of appeal in substantially the following language:**

**“Any employee with regular status who has been dismissed or involuntarily demoted for cause or suspended for more than five working days may appeal to the administrative hearing commission. To appeal, you must file an appeal with the administrative hearing commission within thirty days after the effective date of the decision. If any such appeal is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission.”**

**2. The procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536. The administrative hearing commission may hold hearings or may make decisions based on stipulation of the parties, consent order, agreed settlement, or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination, in accordance with the rules and procedures of the administrative hearing commission. No hearing shall be public unless requested to be public by the employee. The administrative hearing commission shall maintain a transcript of all testimony and proceedings in hearings governed by this section, and decisions of**

the administrative hearing commission under this section shall be binding subject to appeal by either party. The administrative hearing commission may make any one of the following appropriate orders:

(1) Order the reinstatement of the employee to the employee's former position;

(2) Sustain the dismissal of such employee;

(3) Except as provided in subdivisions (1) and (2) of this subsection, the administrative hearing commission may sustain the dismissal, but may order the director of personnel to recognize reemployment rights for the dismissed employee pursuant to section 36.240, in an appropriate class or classes, or may take steps to effect the transfer of such employee to an appropriate position in the same or another division of service.

3. After an order of reinstatement has been issued and all parties have let the time for appeal lapse or have filed an appeal and that appeal process has become final and the order of reinstatement has been affirmed, the administrative hearing commission shall commence a separate action to determine the date of reinstatement and the amount of back pay owed to the employee. This action may be done by hearing, or by affidavit, depositions, or stipulations, or by agreement on the amount of back pay owed. No hearing shall be public unless requested to be public by the employee.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting after all of said line the following:

“34.047. Notwithstanding any provision in section 34.040, section 34.100, or any other law to the contrary, departments shall have the authority to purchase products and services related to information technology when the estimated expenditure of such purchase shall not exceed one hundred fifty thousand dollars and the department complies with the informal methods of procurement established in section 34.040, and 1 CSR 40-1.050(1) for expenditures of less than twenty-five thousand dollars. For the purposes of this section, “information technology” shall mean any computer or electronic information equipment or interconnected system that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of information, including audio, graphic, and text.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting after all of said line the following:

“8.016. The commissioner of the office of administration shall provide each member of the senate and each member of the house of representatives with a key that accesses the dome of the state

**capitol.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

At the request of Senator Shields, **HB 1868**, with **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 754**, entitled:

An Act to repeal sections 193.145, 193.265, 194.350, 208.010, 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550, 324.1124, 324.1126, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1140, 327.031, 327.041, 327.351, 327.411, 332.011, 334.100, 334.506, 334.613, 334.735, 335.081, 337.528, 337.600, 337.603, 337.615, 337.618, 337.643, 337.700, 337.703, 337.706, 337.715, 337.718, 337.727, 337.739, 338.333, 338.335, 338.337, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 344.010, 344.020, 376.717, 376.718, 376.724, 376.725, 376.732, 376.733, 376.734, 376.735, 376.737, 376.738, 376.740, 376.743, 376.758, 383.130, and 383.133, RSMo, and section 324.1100, section 324.1102 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, sections 324.1110, 324.1112, 324.1114, section 324.1118 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, to enact in lieu thereof one hundred five new sections relating to the licensing of certain professions, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8 and House Substitute Amendment No. 1 for House Amendment No. 10.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 60, Section 327.411, Line 6, by deleting the word “**supervise**” and inserting in lieu thereof the words “**provide direct and immediate personal supervision, as defined by board rule, over**”; and

Further amend said bill, page and section, Line 8, by deleting all of said line and inserting in lieu thereof

the following:

“documents sealed by such licensee.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Section 383.133, Page 125, Line 31, by inserting after all of said section and line the following:

**“630.575. 1. There is hereby established within the department of mental health the “Missouri Eating Disorder Council” which shall consist of the following persons to be selected by and the number of members to be determined by the director of the department of mental health:**

- (1) Director's designees from the department of mental health;**
- (2) Eating disorder researchers, clinicians, and patient advocacy groups; and**
- (3) The general public.**

**2. The council shall:**

- (1) Oversee the eating disorder education and awareness programs established in section 630.580.**
- (2) Identify whether adequate treatment and diagnostic services are available in the state; and**
- (3) Assist the department of mental health in identifying eating disorder research projects.**

**3. Members of the council shall serve four-year terms, with the initial terms of the members staggered as two-year, three-year, and four-year terms. The members of the council may be reappointed. The members of the council shall not receive compensation for their service on the council, but may, subject to appropriation, be reimbursed for their actual and necessary expenses incurred as members of the council.**

**4. The council shall conduct an organizational meeting at the call of the director of the department of mental health. At such meeting, the council shall select a chair and vice chair of the council. Subsequent meetings of the council shall be called as necessary by the chair of the council or the director of the department of mental health.**

**630.580. 1. The department of mental health, in collaboration with the departments of health and senior services, elementary and secondary education, and higher education and in consultation with the Missouri eating disorder council established in section 630.575, shall develop and implement the following education and awareness programs:**

**(1) Health care professional education and training programs designed to prevent and treat eating disorders. Such programs shall include:**

**(a) Discussion of various strategies with patients from at-risk and diverse populations to promote positive behavior change and healthy lifestyles to prevent eating disorders;**

**(b) Identification of individuals with eating disorders and those who are at risk for developing an eating disorder;**

**(c) Conducting a comprehensive assessment of individual and familial health risk factors;**

**(2) Education and training programs for elementary and secondary and higher education**

**professionals. Such programs shall include:**

**(a) Distribution of educational materials to middle and high school students in both public and private schools, including but not limited to utilization of the National Women's Health Information Center's Body Wise materials;**

**(b) Development of a curriculum which focuses on a healthy body image, identifying the warning signs and behaviors associated with an eating disorder, and ways to assist the individual, friends, or family members who may have an eating disorder; and**

**(3) General eating disorder awareness and education programs.**

**2. The department of mental health may seek the cooperation and assistance of any state department or agency, as the department deems necessary, in the development and implementation of the awareness and education programs implemented under this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 3, Section A, Line 37, by inserting immediately after said line the following:

“167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:

- (1) Insurance;
- (2) The state Medicaid program;
- (3) Complimentary; or
- (4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service

organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;
- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

[7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 95, Section 338.337, Line 16, by inserting immediately after said line the following:

**“338.575. 1. No licensed pharmacy in this state shall be required to perform, assist, recommend, refer to, or participate in any act or service in connection with any drug or device that is an abortifacient, including but not limited to the RU486 drug and emergency contraception such as the Plan B drug.**

**2. No civil or criminal cause of action shall accrue against a pharmacy due to a refusal to perform, assist, recommend, refer for, or participate in any act or service in accordance with subsection 1 of this section.**

**3. No board, commission, or other agency or instrumentality of this state shall deny, revoke, suspend, or otherwise discipline the license of a pharmacy, nor shall it impose any other condition of operation due to a refusal to perform, assist, recommend, refer for, or participate in any act or service in accordance with subsection 1 of this section.**

**4. No pharmacy shall be denied or discriminated against in eligibility for or the receipt of any public benefit, assistance, or privilege of any kind due to a refusal to perform, assist, recommend,**



**refer for, or participate in any act or service in accordance with subsection 1 of this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 12, Section 208.010, Line 177, by inserting immediately after said line the following:

**“208.198. Subject to appropriations, the department of social services shall establish a rate for the reimbursement of physicians, optometrists, podiatrists, and psychologists for services rendered to patients under the MO HealthNet program which provides equal reimbursement for the same or similar services rendered.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Section 327.411, Page 60, Line 28, by inserting immediately after said line the following:

“329.040. 1. Any person of good moral character may make application to the board for a license to own a school of cosmetology on a form provided upon request by the board. Every school of cosmetology in which any of the classified occupations of cosmetology are taught shall be required to obtain a license from the board prior to opening. The license shall be issued upon approval of the application by the board, the payment of the required fees, and the applicant meets other requirements provided in this chapter. The license shall be kept posted in plain view within the school at all times.

2. A school license renewal fee shall be due on or before the renewal date of any school license issued pursuant to this section. If the school license renewal fee is not paid on or before the renewal date, a late fee shall be added to the regular school license fee.

3. No school of cosmetology shall be granted a license pursuant to this chapter unless it:

(1) Employs and has present in the school a competent licensed instructor for every twenty-five students in attendance for a given class period and one to ten additional students may be in attendance with the assistance of an instructor trainee. One instructor is authorized to teach up to three instructor trainees immediately after being granted an instructor's license;

(2) Requires all students to be enrolled in a course of study of no less than three hours per day and no more than twelve hours per day with a weekly total that is no less than fifteen hours and no more than seventy-two hours;

(3) Requires for the classified occupation of cosmetologist, the course of study shall be no less than one thousand five hundred hours or, for a student in public vocational/technical school no less than one thousand two hundred twenty hours; provided that, a school may elect to base the course of study on credit hours by applying the credit hour formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of one hundred and sixty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of cosmetology on any patron or customer of the school of cosmetology;

(4) Requires for the classified occupation of manicurist, the course of study shall be no less than four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of

Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of fifty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of manicurist on any patron or customer of the school of cosmetology;

(5) Requires for the classified occupation of esthetician, the course of study shall be no less than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student shall earn a minimum of seventy-five hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of esthetics on any patron or customer of the school of cosmetology or an esthetics school.

4. The subjects to be taught for the classified occupation of cosmetology shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Shampooing of all kinds, forty hours;
- (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- (3) Hair cutting and shaping, one hundred thirty hours;
- (4) Permanent waving and relaxing, one hundred twenty-five hours;
- (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
- (6) Combouts and hair styling techniques, one hundred five hours;
- (7) Scalp treatments and scalp diseases, thirty hours;
- (8) Facials, eyebrows and arches, forty hours;
- (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
- (10) Cosmetic chemistry, twenty-five hours;
- (11) Salesmanship and shop management, ten hours;
- (12) Sanitation and sterilization, thirty hours;
- (13) Anatomy, twenty hours;
- (14) State law, ten hours;
- (15) Curriculum to be defined by school, not less than four hundred seventy hours.

5. The subjects to be taught for the classified occupation of manicurist shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty hours;
- (2) Salesmanship and shop management, twenty hours;
- (3) Sanitation and sterilization, twenty hours;
- (4) Anatomy, ten hours;

- (5) State law, ten hours;
- (6) Study of the use and application of certain chemicals, forty hours; and
- (7) Curriculum to be defined by school, not less than eighty hours.

6. The subjects to be taught for the classified occupation of esthetician shall be as follows, and the hours required for each subject shall not be less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
- (2) Makeup application, all phases, one hundred hours;
- (3) Hair removal, thirty hours;
- (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
- (5) Reflexology, thirty-five hours;
- (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
- (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
- (8) Salon management and salesmanship, fifty-five hours;
- (9) Sanitation and sterilization, safety, forty-five hours;
- (10) State law, ten hours; and
- (11) Curriculum to be defined by school, not less than seventy-five hours.

7. Training for all classified occupations shall include practical demonstrations, written and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this chapter.

8. No school of cosmetology shall operate within this state unless a proper license pursuant to this chapter has first been obtained.

9. Nothing contained in this chapter shall prohibit a licensee within a cosmetology establishment from teaching any of the practices of the classified occupations for which the licensee has been licensed for not less than two years in the licensee's regular course of business, if the owner or manager of the business does not hold himself or herself out as a school and does not hire or employ or personally teach regularly at any one and the same time, more than one apprentice to each licensee regularly employed within the owner's business, not to exceed one apprentice per establishment, and the owner, manager, or trainer does not accept any fee for instruction.

10. Each licensed school of cosmetology shall provide a minimum of two thousand square feet of floor space, adequate rooms and equipment, including lecture and demonstration rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet sterilizers, and adequate working facilities for twenty students.

11. Each licensed school of cosmetology for manicuring only shall provide a minimum of one thousand

square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement proportionately increases with student enrollment of over ten students.

12. Each licensed school of cosmetology for esthetics only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement increases fifty square feet per student with student enrollment of over ten.

13. No school of cosmetology may have a greater number of students enrolled and scheduled to be in attendance for a given class period than the total floor space of that school will accommodate. Floor space required per student shall be no less than fifty square feet per additional student beyond twenty students for a school of cosmetology, beyond ten students for a school of manicuring and beyond ten students for a school of esthetics.

14. Each applicant for a new school shall file a written application with the board upon a form approved and furnished upon request by the board. The applicant shall include a list of equipment, the proposed curriculum, and the name and qualifications of any and all of the instructors.

15. Each school shall display in a conspicuous place, visible upon entry to the school, a sign stating that all cosmetology services in this school are performed by students who are in training.

16. Any student who wishes to remain in school longer than the required training period may make application for an additional training license and remain in school. A fee is required for such additional training license.

17. All contractual fees that a student owes to any cosmetology school shall be paid before such student may be allowed to apply for any examination required to be taken by an applicant applying for a license pursuant to the provisions of this chapter.

**18. The board shall not issue any initial, new license for a school of cosmetology from August 28, 2010, to August 28, 2012. Any school of cosmetology holding a valid license on August 28, 2010 may change school location within twenty-five miles of their then existing location or may change the ownership of the school without being treated by the board as an applicant for a new license for the purposes of this subsection. The provisions of this subsection shall expire on August 28, 2012.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 1, In the Title, Line 2, by inserting after the number “194.350,” the numbers “195.070, 195.080, 195.100,”; and

Further amend said bill, Page 1, In the Title, Line 7, by inserting after the number “334.735,” the number “334.747,”; and

Further amend said bill, Page 1, In the Title, Line 9, by inserting after the number “337.739,” the number “338.100”; and

Further amend said bill, Page 2, In the Title, Line 28, by deleting the words “one hundred five” and inserting in lieu thereof the words “one hundred ten”; and

Further amend said bill, Page 2, Section A, Line 1, by inserting after the number “194.350,” the numbers “195.070, 195.080, 195.100,”; and

Further amend said bill, Page 2, Section A, Line 6, by inserting after the number “334.735,” the number “334.747,”; and

Further amend said bill, Page 2, Section A, Line 7, by inserting after the number “337.739,” the number “338.100”; and

Further amend said bill, Page 2, Section A, Line 25, by deleting the words “one hundred five” and inserting in lieu thereof the words “one hundred ten”; and

Further amend said bill, Page 2, Section A, Line 26, by inserting after the number “194.350,” the numbers “195.070, 195.080, 195.100,”; and

Further amend said bill, Page 3, Section A, Line 32, by inserting after the number “194.350,” the numbers “195.070, 195.080, 195.100,”; and

Further amend said bill, Page 3, Section A, Line 33, by inserting after the number “337.739,” the number “338.100”; and

Further amend said bill, Page 7, Section 194.350, Line 26, by inserting after all of said line the following:

“195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, or a physician assistant in accordance with section 334.747, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, RSMo, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104, RSMo, may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

**6. A physician assistant or advance practice registered nurse or comparable mid-level practitioner located in another state may prescribe controlled substances or may cause the same to be dispensed**

**by an individual as authorized by statute, provided:**

**(1) He or she has fulfilled the requirements of the state in which he or she is licensed and practicing as well as those of the United States to prescribe controlled substances;**

**(2) He or she writes the controlled substance prescription in compliance with the applicable laws of the state in which he or she is licensed and practicing as well as those of the United States; and**

**(3) The prescription is dispensed to a patient who is a resident of another state.**

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. **The supply limitations provided in this subsection shall not apply if:**

**(1) The prescription is:**

**(a) Written by a practitioner located in another state according to the applicable laws of such state and the United States; and**

**(b) Dispensed to a patient who is a resident of another state; or**

**(2) The prescription is dispensed directly to a member of the United States armed forces serving outside the United States.**

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the manufacturer or wholesaler

shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in which such drug is sold or dispensed a label showing his or her own name and address of the pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom the prescription was written; [the name of the collaborating physician if the prescription is written by an advanced practice registered nurse or the supervising physician if the prescription is written by a physician assistant,] and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.”; and

Further amend said bill, Page 81, Section 334.735, Line 174, by inserting after all of said line the following:

“334.747. 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in schedule III, IV, or V of section 195.017, RSMo, when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances shall be limited to a five-day supply without refill. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include [such] **the Drug Enforcement Administration** registration numbers on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

**4. A physician assistant or advance practice registered nurse or comparable mid-level practitioner located in another state may prescribe controlled substances or may cause the same to be dispensed by an individual as authorized by statute, provided:**

**(1) He or she has fulfilled the requirements of the state in which he or she is licensed and practicing as well as those of the United States to prescribe controlled substances;**

**(2) He or she writes the controlled substance prescription in compliance with the applicable laws of the state in which he or she is licensed and practicing as well as those of the United States; and**

**(3) The prescription is dispensed to a patient who is a resident of another state.”; and**

Further amend said bill, Page 93, Section 337.739, Line 39, by inserting after all of said line the following:

“338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable **book, file, or electronic recordkeeping system** in which shall be preserved, for a period of not less than five years, the original or order of each drug which has been compounded or dispensed at such pharmacy, according to and in compliance with standards provided by the board, and shall produce the same in court or before any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription file on readable microfilm for records maintained over three years. After September, 1999, a licensed pharmacy may preserve prescription files on microfilm or by electronic media storage for records maintained over three years. The pharmacist in charge shall be responsible for complying with the permit holder's record-keeping system in compliance with this section. Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential and shall only be released according to standards provided by the board. Upon request, the pharmacist in charge of such pharmacy shall furnish to the [prescribe] **prescriber**, and may furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy of the original prescription. The file of original prescriptions **kept in any format in compliance with this section**, and other confidential records, as defined by law, shall at all times be open for inspection by board of pharmacy representatives. **Records maintained in an electronic recordkeeping system shall contain all information otherwise required in a manual recordkeeping system. Electronic records shall be readily retrievable. Pharmacies may electronically maintain the original prescription or prescription order for each drug and may electronically annotate any change or alteration to a prescription record in the electronic recordkeeping system as authorized by law; provided however, original written and faxed prescriptions shall be physically maintained on file at the pharmacy under state and federal controlled substance laws.**



2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services of the institution. Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100, RSMo.

3. **“Electronic recordkeeping system”, as used in this section, shall mean a system, including machines, methods of organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized images of original prescriptions.”;** and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 38, Section 214.550, Line 22, by inserting immediately after said line the following:

“301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of the department of revenue;

(3) “Other authorized health care practitioner” includes advanced practice registered nurses licensed pursuant to chapter 335, RSMo, **physician assistants licensed pursuant to chapter 334, RSMo**, chiropractors licensed pursuant to chapter 331, RSMo, podiatrists licensed pursuant to chapter 330, RSMo, and optometrists licensed pursuant to chapter 336, RSMo;

(4) “Physically disabled”, a natural person who is blind, as defined in section 8.700, RSMo, or a natural person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:

(a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or

(b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(c) Is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

(d) Uses portable oxygen; or

(e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or

(f) A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;

(5) “Physician”, a person licensed to practice medicine pursuant to chapter 334, RSMo;

(6) “Physician's statement”, a statement personally signed by a duly authorized person which certifies

that a person is disabled as defined in this section;

(7) “Temporarily disabled person”, a disabled person as defined in this section whose disability or incapacity is expected to last no more than one hundred eighty days;

(8) “Temporary windshield placard”, a placard to be issued to persons who are temporarily disabled persons as defined in this section, certification of which shall be indicated on the physician’s statement;

(9) “Windshield placard”, a placard to be issued to persons who are physically disabled as defined in this section, certification of which shall be indicated on the physician’s statement.

2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician’s statement for only those physical health care conditions for which such health care practitioner is legally authorized to diagnose and treat.

3. A physician’s statement shall:

(1) Be on a form prescribed by the director of revenue;

(2) Set forth the specific diagnosis and medical condition which renders the person physically disabled or temporarily disabled as defined in this section;

(3) Include the physician’s or other authorized health care practitioner’s license number; and

(4) Be personally signed by the issuing physician or other authorized health care practitioner.

4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement that the physical disability of the applicant, user, or member of the applicant’s household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability which period may not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician’s statement, the director shall issue a temporary windshield placard for a period of thirty days.

5. A physician or other authorized health care practitioner who issues or signs a physician’s statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person’s medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.

6. The medical or other records of the physician or other authorized health care practitioner who issued a physician’s statement shall be open to inspection and review by such practitioner’s licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner’s household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, a current physician’s statement which has been issued within ninety days proceeding the date the application is made and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds,

upon which shall be inscribed the international wheelchair accessibility symbol and the word “DISABLED” in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant’s compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word “DISABLED” as prescribed in this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver’s side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The removable windshield placard shall be renewed every four years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates.

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician’s statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable

windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

13. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician or other authorized health care practitioner which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section.

14. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

15. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

16. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every fourth year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director may stagger the requirement of a physician's statement on all renewals for the initial implementation of a four-year period.

18. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, RSMo, or the Missouri state board of nursing established in section 335.021, RSMo, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, RSMo, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, RSMo, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining a disabled license plate or placard presents proof of disability in the form of a statement

from the United States Veterans' Administration verifying that the person is permanently disabled, the applicant shall be exempt from the four-year certification requirement of this subsection for renewal of the plate or placard. Initial applications shall be accompanied by the physician's statement required by this section. Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who provided the physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled persons license plates or windshield placards.

19. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section.

20. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420.

21. The director of revenue shall retain all physicians' statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.

22. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

23. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of the decedent or such other person who may come into or otherwise take possession of the disabled license plates or disabled windshield placard shall return the same to the director of revenue under penalty of law. Failure to return such plates or placards shall constitute a class B misdemeanor.

24. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

25. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

26. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be four dollars.

27. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice

or if there is no basis for the diagnosis.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR  
HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 66, Section 334.100, Line 170, by inserting after the word “if” the following: “**a physician has not met in person with the patient at least twenty-four hours prior to performing, or**”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

**HOUSE BILLS ON THIRD READING**

Senator Shields moved that **HB 1868**, with **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 4** was again taken up.

At the request of Senator Crowell, the above amendment was withdrawn.

Senator Crowell offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“8.016. 1. The commissioner of the office of administration shall provide each member of the senate and each member of the house of representatives with a key that accesses the dome of the state capitol.**

**2. The president pro tem of the senate and the speaker of the house of representatives shall be responsible for providing a training program for the members and staff of the general assembly regarding access to secured areas of the capitol building. They may consult with the office of administration and department of public safety when developing such program.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting immediately after said line the following:

**“21.940. 1. There is established a “Health and Human Services Transition Committee” to study and make recommendations by December 31, 2010, on consolidating the departments of health and senior services, mental health, and social services into one department.**

**2. The members of the committee shall consist of fourteen members as follows:**

**(1) The directors of the departments of health and senior services, mental health, and social**

services;

(2) Two members of the house of representatives, one from each party, appointed by the speaker of the house of representatives;

(3) Two members of the senate, one from each party, appointed by the president pro tem of the senate;

(4) Three representatives who are consumers or families of consumers interested in the services provided by each of the departments of health and senior services, mental health, and social services;

(5) Three providers of services provided by the each of the departments of health and senior services, mental health, and social services;

(6) One public member.

3. Members shall serve on the committee without compensation. The departments of health and senior services, mental health, and social services shall provide technical and administrative support services for the committee. The duties of the committee are to make recommendations on:

(1) Efficiencies that could be made within programs administered by the three departments;

(2) Any programs administered or overseen by the three departments that should be eliminated, reduced, or combined with another program or programs, particularly programs involving MO HealthNet services; and

(3) A plan for reducing expenditures within each program administered or overseen by the three departments for fiscal year 2012 from fiscal year 2011 levels at increments of five percent up to twenty-five percent.

4. The provisions of this section shall expire on January 1, 2011.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered SA 7:

#### SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Bill No. 1868, Page 2, Section 109.250, Line 23, by inserting after all of said line the following:

“208.215. 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made [in] on behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. **Any health benefit plan as defined in section 376.1350, third party administrator, administrative service organization, and pharmacy benefits manager, shall**

**process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms:**

**(1) For a period of three years from the date services were provided or rendered; however, an entity:**

**(a) Shall not be required to reimburse for items or services which are not covered under MO HealthNet;**

**(b) Shall not deny a claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to provide prior authorization;**

**(c) Shall not be required to reimburse for items or services for which a claim was previously submitted to the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager by the health care provider or the participant and the claim was properly denied by the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager for procedural reasons, except for timely filing, type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;**

**(d) Shall not be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim for subrogation has been filed; and**

**(e) Shall reimburse for items or services to the same extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it had been properly billed at the point of sale; and**

**(2) If any action by the state to enforce its rights with respect to such claim is commenced within six years of the state's submission of such claim.**

2. The department of social services, MO HealthNet division, or its contractor may maintain an appropriate action to recover funds paid by the department of social services or MO HealthNet division or its contractor that are due under this section in the name of the state of Missouri against the person, corporation, institution, public agency, or private agency liable to the participant, minor or estate.

3. Any participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death who pursues legal rights against a person, corporation, institution, public agency, or private agency liable to that participant or minor for injuries, disease or disability or benefits arising from a health insurance plan to which the participant may be entitled as outlined in subsection 1 of this section shall upon actual knowledge that the department of social services or MO HealthNet division has paid MO HealthNet benefits as defined by this chapter promptly notify the MO HealthNet division as to the pursuit of such legal rights.

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under



the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate without good cause as determined by the department of social services, MO HealthNet division in accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A [recipient] **participant** who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

6. Every participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death, or his attorney or legal representative shall promptly notify the MO HealthNet division of any recovery from a third party and shall immediately reimburse the department of social services, MO HealthNet division, or its contractor from the proceeds of any settlement, judgment, or other recovery in any action or claim initiated against any such third party. A judgment, award, or settlement in an action by a [recipient] **participant** to recover damages for injuries or other third-party benefits in which the division has an interest may not be satisfied without first giving the division notice and a reasonable opportunity to file and satisfy the claim or proceed with any action as otherwise permitted by law.

7. The department of social services, MO HealthNet division or its contractor shall have a right to recover the amount of payments made to a provider under this chapter because of an injury, disease, or disability, or benefits arising from a health insurance plan to which the participant may be entitled for which a third party is or may be liable in contract, tort or otherwise under law or equity. Upon request by the MO HealthNet division, all third-party payers shall provide the MO HealthNet division with information contained in a 270/271 Health Care Eligibility Benefits Inquiry and Response standard transaction mandated under the federal Health Insurance Portability and Accountability Act, except that third-party payers shall not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity insurance policies.

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which

resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled which resulted in payments made by the department or MO HealthNet division. In each case, a lien notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) The amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the participant incident to the recovery; and whether the department should, as a matter of fairness and equity, bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) The amount, if any, of the attorney's fees and other costs incurred by the participant incident to the recovery and paid by the participant up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) The total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the participant, by insurance provided by the participant, and by the department, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) Whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the participant;

(5) The age of the participant and of persons dependent for support upon the participant, the nature and permanency of the participant's injuries as they affect not only the future employability and education of the participant but also the reasonably necessary and foreseeable future material, maintenance, medical rehabilitative and training needs of the participant, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) The realistic ability of the participant to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction. **The computerized records of the MO HealthNet division, certified by the director or his designee, shall be prima facie evidence of proof of moneys expended and the amount of the debt due the state.**

11. The court may reduce and apportion the department's or MO HealthNet division's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The department or MO HealthNet division shall pay its pro rata share of the attorney's fees based on the department's or MO HealthNet division's lien as it compares to the total settlement agreed upon. This section shall not affect the priority of an attorney's lien under section 484.140, RSMo. The charges of the department or MO HealthNet division or contractor described in this section, however, shall take priority over all other liens and charges existing under the laws of the state of Missouri with the exception of the attorney's lien under such statute.

12. Whenever the department of social services or MO HealthNet division has a statutory charge under this section against a recovery for damages incurred by a participant because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, [irrespective] **regardless** of whether [or not] an action based on participant's claim has been filed in court. Nothing herein shall prohibit the director from entering into a compromise agreement with any participant, after consideration of the factors in subsections 9 to 13 of this section.

13. This section shall be inapplicable to any claim, demand or cause of action arising under the workers' compensation act, chapter 287, RSMo. From funds recovered pursuant to this section the federal government shall be paid a portion thereof equal to the proportionate part originally provided by the federal government to pay for MO HealthNet benefits to the participant or minor involved. The department or MO HealthNet division shall enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on permanently institutionalized individuals. The department or MO HealthNet division shall have the right to enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on all other institutionalized individuals. For the purposes of this subsection, "permanently institutionalized individuals" includes those people who the department or MO HealthNet division determines cannot reasonably be expected to be discharged and return home, and "property" includes the homestead and all other personal and real property in which the participant has sole legal interest or a legal interest based upon co-ownership of the property which is the result of a transfer of property for less than the fair market value within thirty months prior to the participant's entering the nursing facility. The following provisions shall apply to such liens:

(1) The lien shall be for the debt due the state for MO HealthNet benefits paid or to be paid on behalf of a participant. The amount of the lien shall be for the full amount due the state at the time the lien is enforced;

(2) The MO HealthNet division shall file for record, with the recorder of deeds of the county in which any real property of the participant is situated, a written notice of the lien. The notice of lien shall contain the name of the participant and a description of the real estate. The recorder shall note the time of receiving such notice, and shall record and index the notice of lien in the same manner as deeds of real estate are required to be recorded and indexed. The director or the director's designee may release or discharge all or

part of the lien and notice of the release shall also be filed with the recorder. The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar filings in connection with the filing of a lien and any other necessary documents;

(3) No such lien may be imposed against the property of any individual prior to the individual's death on account of MO HealthNet benefits paid except:

(a) In the case of the real property of an individual:

a. Who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution, to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; and

b. With respect to whom the director of the MO HealthNet division or the director's designee determines, after notice and opportunity for hearing, that he cannot reasonably be expected to be discharged from the medical institution and to return home. The hearing, if requested, shall proceed under the provisions of chapter 536, RSMo, before a hearing officer designated by the director of the MO HealthNet division; or

(b) Pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual;

(4) No lien may be imposed under paragraph (b) of subdivision (3) of this subsection on such individual's home if one or more of the following persons is lawfully residing in such home:

(a) The spouse of such individual;

(b) Such individual's child who is under twenty-one years of age, or is blind or permanently and totally disabled; or

(c) A sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution;

(5) Any lien imposed with respect to an individual pursuant to subparagraph b of paragraph (a) of subdivision (3) of this subsection shall dissolve upon that individual's discharge from the medical institution and return home.

14. The debt due the state provided by this section is subordinate to the lien provided by section 484.130, RSMo, or section 484.140, RSMo, relating to an attorney's lien and to the participant's expenses of the claim against the third party.

15. Application for and acceptance of MO HealthNet benefits under this chapter shall constitute an assignment to the department of social services or MO HealthNet division of any rights to support for the purpose of medical care as determined by a court or administrative order and of any other rights to payment for medical care.

16. All participants receiving benefits as defined in this chapter shall cooperate with the state by reporting to the family support division or the MO HealthNet division, within thirty days, any occurrences where an injury to their persons or to a member of a household who receives MO HealthNet benefits is sustained, on such form or forms as provided by the family support division or MO HealthNet division.

17. If a person fails to comply with the provision of any judicial or administrative decree or temporary order requiring that person to maintain medical insurance on or be responsible for medical expenses for a dependent child, spouse, or ex-spouse, in addition to other remedies available, that person shall be liable to the state for the entire cost of the medical care provided pursuant to eligibility under any public assistance program on behalf of that dependent child, spouse, or ex-spouse during the period for which the required medical care was provided. Where a duty of support exists and no judicial or administrative decree or temporary order for support has been entered, the person owing the duty of support shall be liable to the state for the entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

18. The department director or the director's designee may compromise, settle or waive any such claim in whole or in part in the interest of the MO HealthNet program. Notwithstanding any provision in this section to the contrary, the department of social services, MO HealthNet division is not required to seek reimbursement from a liable third party on claims for which the amount it reasonably expects to recover will be less than the cost of recovery or for which recovery efforts will not be cost-effective. Cost-effectiveness is determined based on the following:

(1) Actual and legal issues of liability as may exist between the [recipient] **participant** and the liable party;

(2) Total funds available for settlement; and

(3) An estimate of the cost to the division of pursuing its claim.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Bill No. 1868, Page 1, Section 37.320, Line 11, by inserting after all of said line the following:

**“37.600. 1. There is hereby established the “Commission on the Reorganization of State Health Care”. The commission shall have as its purpose the study, review, and recommendation of creating a “Division of State Health Care” within the office of administration, which shall be dedicated to providing health care coverage for all state employees, dependents, and retirees and those recipients of programs provided in subsection 4 of this section. The commission shall consist of nineteen members:**

**(1) Two members of the senate, one appointed by the president pro tem of the senate and one appointed by the senate minority floor leader;**

**(2) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the house minority floor leader;**

**(3) The commissioner of the office of administration or the commissioner's designee;**

**(4) The director of the department of insurance, financial institutions and professional registration or the director's designee;**

**(5) The director of the MO HealthNet division or the director's designee;**

- (6) The director of the department of health and senior services or the director's designee;
- (7) The director of the department of mental health or the director's designee;
- (8) The director of the department of corrections or the director's designee;
- (9) The director of the department of social services or the director's designee;
- (10) The executive director of the Missouri consolidated health care plan or the director's designee;
- (11) One member of the state highways and transportation commission;
- (12) One member of the state conservation commission; and
- (13) One member of the board of curators of the University of Missouri;
- (14) The commissioner of the coordinating board of higher education or the commissioner's designee;
- (15) One representative of the public four-year institutions of higher education, excluding the University of Missouri, appointed by the governor with the advice and consent of the senate; and
- (16) Two individual representatives of small business in this state, appointed by the governor with the advice and consent of the senate.

2. Members of the commission shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's official duties. A chair of the commission shall be selected by the members of the commission and shall meet as necessary. Commission members shall not be related to any member of the general assembly or governor within the third degree of consanguinity. The office of administration shall provide technical, actuarial, and administrative support services as required by the commission.

3. The commission shall designate a work group to provide analysis on the recommendations required of the commission consisting of members representing any health policy center or program from the public institutions of higher education in the state.

4. The commission shall designate a work group consisting of members of the Missouri school boards association, the Missouri community colleges association, and small business organizations to provide analysis for recommendations of the second and third phase of the reorganization as described under subdivisions (3) and (4) of subsection 5 of this section.

5. The commission shall submit a report to the general assembly and governor by December 31, 2010, on the creation of a "Division of State Health Care" within the office of administration to serve, through three implementation phases, as the lead planning state entity for all health issues in the state. The commission's duties shall be as follows:

- (1) Provide an analysis on whether the creation of a division of state health care would:
  - (a) Remedy the current situation wherein the responsibility for health care policy, purchasing, planning, and regulation is spread among many different agencies and departments;
  - (b) Permit the state to maximize its purchasing power inasmuch as the state now has none of its health care purchasing coordinated;

**(c) Minimize duplication and maximize administrative efficiency in the state's health care systems by removing overlapping functions and streamlining uncoordinated programs;**

**(d) Allow the state to develop a better health care infrastructure that is more responsive to the consumers it serves while improving access to and coverage for health care; and**

**(e) Focus more attention and divisional procedures on the issue of wellness, including diet, exercise, and personal responsibility;**

**(2) Make recommendations on granting the division of state health care, during a first phase, the authority to carry out all powers, duties, and functions previously performed by:**

**(a) The Mo HealthNet division under section 208.201;**

**(b) The state highways and transportation commission, relating to the furnishing of health insurance benefits to cover medical expenses for members of the highways and transportation employees' and highway patrol retirement system;**

**(c) The board of trustees of the Missouri consolidated health care plan pursuant to chapter 103;**

**(d) The department of social services, relating to the administration of a program to pay for health care for uninsured children under sections 208.631 to 208.657;**

**(e) The state conservation commission, relating to the furnishing of health insurance for department of conservation employees and their dependents and retirees;**

**(f) The public four-year institutions of higher education, excluding the University of Missouri, relating to the furnishing of health insurance plans for employees of such institutions and their dependents and retirees; and**

**(g) The board of curators of the University of Missouri, relating to the furnishing of health insurance plans for employees of the university system and their dependents and retirees;**

**(3) Investigate coordinating and purchasing health care benefit plans, during a second phase, for employees of the public schools, community colleges, political subdivisions of the state, and all such employees' dependents; and**

**(4) Investigate the feasibility of creating and administering insurance programs in a third phase for small businesses and the uninsured in this state.**

**6. The provisions of this section shall expire on February 1, 2011.”; and**

Further amend said bill, Page 3, Section 1, Line 7, by inserting after all of said line the following:

“Section B. Because of the need to promote the health care of state employees and of citizens of this state, the enactment of section 37.600 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 37.600 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting immediately after said line the following:

**“23.156. 1. Every employee of the oversight division of the joint committee on legislative research shall, before entering upon his or her duties, take and file in the offices of the secretary of the senate and the chief clerk of the house of representatives an oath:**

**(1) To support the constitution of the state, to faithfully demean himself or herself in office;**

**(2) To not disclose to any unauthorized person any information furnished by any state department, state agency, political subdivision, or instrumentality of the state; and**

**(3) To not accept as presents or emoluments any pay, directly or indirectly, for the discharge of any act in the line of his or her duty other than the remuneration fixed and accorded to the employee by law.**

**2. For any violation of his or her oath of office or of any duty imposed upon him or her by this section, any employee shall be guilty of a class A misdemeanor.” and**

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 10:**

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Bill No. 1868, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“21.910. 1. There is hereby created the “Joint Committee on the Reduction and Reorganization of Programs within State Government”. The committee shall be composed of thirteen members as follows:**

**(1) Three majority party members and two minority party members of the senate, to be appointed by the president pro tem of the senate;**

**(2) Three majority party members and two minority party members of the house of representatives, to be appointed by the speaker of the house of representatives;**

**(3) The commissioner of the office of administration, or his or her designee;**

**(4) A representative of the governor’s office; and**

**(5) A supreme court judge, or his or her designee, as selected by the Missouri supreme court.**

**2. The committee shall study programs within every department that should be eliminated, reduced, or combined with another program or programs. As used in this section, the term “program” shall have the same meaning as in section 23.253.**

**3. In order to assist the committee with its responsibilities under this section, each department shall comply with any request for information made by the committee with regard to any programs administered by such department.**

**4. The committee shall submit a report to the general assembly by December 31, 2010, and such**



**report shall contain any recommendations of the committee for eliminating, reducing, or combining any program with another program or programs in the same or a different department.**

**5. The provisions of this section shall expire on January 1, 2011.”; and**

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Wright-Jones offered **SA 1 to SA 10**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 10

Amend Senate Amendment No. 10 to Senate Committee Substitute for House Bill No. 1868, Page 2, Section 21.910, Line 5, by inserting after all of said line the following:

**“4. The members of the committee shall elect a chair person and vice chair person.”; and**

further renumber the remaining subsections accordingly; and

further amend said amendment, line 12 of said page, by inserting after all of said line the following:

“Further amend said bill, page 3, section 1, line 7, by inserting after all of said line the following:

“Section B. Because of the need for more efficient government in tight budget times, section 21.190 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 21.910 of section A of this act shall be in full force and effect upon its passage and approval.”;”.

Senator Wright-Jones moved that the above amendment be adopted, which motion prevailed.

**SA 10**, as amended, was again taken up.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Bill No. 1868, Page 2, Section 109.250, Line 23, by inserting immediately after all of said line the following:

**“386.715. The office of public counsel shall be funded through an assessment made by the public service commission upon all public utilities in an amount determined by the commission to be sufficient to fund the operations of the office.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bray offered **SSA 1 for SA 11**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Bill No. 1868, Page 2, Section 109.250, Line 23, by inserting immediately after all of said line the following:

**“386.715. 1. The public counsel shall, prior to the beginning of each fiscal year, make available to the commission an estimate of the expenses to be incurred by the public counsel during such fiscal year, reasonably attributable to his or her responsibilities with respect to public utilities under sections 386.700 and 386.710 and shall also separately estimate the amount of such expenses directly attributable to such responsibilities with respect to each of the following groups of public utilities: electrical corporations, gas corporations, water corporations, heating companies, telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group.**

**2. The public counsel shall allocate to each such group of public utilities the estimated expenses directly attributable to his or her responsibilities under sections 386.700 to 386.710 with respect to such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the three preceding calendar years bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission during such calendar years. The amount so allocated to telephone corporations shall not exceed ten percent of the total estimated expenses directly attributable to the public counsel's responsibilities under sections 386.700 to 386.710. The commission shall then assess, on behalf of the public counsel, the amount so allocated to each group of public utilities, subject to reduction as provided in this section, to the public utilities in such group in proportion to its respective gross intrastate operating revenues during the preceding calendar year. The total amount so assessed to all such public utilities shall not exceed one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the commission. Nothing in this section shall authorize the commission to determine how the public counsel allocates the estimated expenses directly attributable to his or her responsibilities under sections 386.700 and 386.710 with respect to public utilities described in subsection 1 of this section or how the assessment imposed under this section is spent by the public counsel.**

**3. On behalf of the public counsel, the commission shall render a statement of such assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement, except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of such statement, to wit: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The director of revenue shall remit such payments to the state treasurer.**

**4. The state treasurer shall credit such payments to a special fund, which is hereby created, to be known as “The Public Counsel Fund”, which fund, or its successor fund created under section 33.571, shall be devoted solely to the payment of expenditures actually incurred by the public counsel and attributable to his or her responsibilities under sections 386.700 to 386.710 with respect to such public utilities subject to the jurisdiction of the commission. Any amount remaining in such special fund or its successor fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the public counsel in the succeeding fiscal year and shall be applied by the public counsel to the reduction of the amount to be assessed to such public utilities in such succeeding fiscal year, such reduction to be allocated to each group of public utilities in proportion to the respective gross intrastate operating revenues of the respective groups during the preceding calendar year.**

**5. In order to enable the public counsel to make the allocations and assessments provided for in this section, each public utility subject to the jurisdiction of the commission shall file with the commission on or before March thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for the preceding calendar year, and if any public utility shall fail to file such statement within the time established in this subsection, the commission shall estimate such revenue. Such estimate shall be binding on such public utility for the purpose of this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above substitute amendment be adopted.

Senator Bray offered **SA 1 to SSA 1 for SA 11**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 11

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 11 to Senate Committee Substitute for House Bill No. 1868, Page 2, Section 386.715, Line 13, by inserting after the word “exceed” the following:

**“two hundredths of”.**

Senator Bray moved that the above amendment be adopted.

At the request of Senator Bray, **SA 1 to SSA 1 for SA 11, SSA 1 for SA 11 and SA 11** were withdrawn.

Senator Shields offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Bill No. 1868, Page 2, Section 109.250, Line 3, by inserting after all of said line the following:

**“630.060. 1.** The department shall seek and encourage cooperation and active participation of communities, counties, organizations, agencies, private and not-for-profit corporations and individuals in the effort to establish and maintain quality programs and services for persons affected by mental disorders, developmental disabilities or alcohol or drug abuse. The department shall develop programs of public information and education for this purpose.

**2. The department shall cooperate with and may directly contract with all state agencies, local units of government, and any of the governor's advisory councils or commissions, or their successor agencies, and with the Missouri Mental Health Foundation, or its successor entity, in delivery of programs designed to improve public understanding of attitudes toward mental disorders, developmental disabilities, and alcohol and drug abuse pursuant to subdivision (3) of subsection 1 of section 630.020. For purposes of this section, the contracting process of the department with these entities need not be governed by the provisions of chapter 34.”; and**

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SCS for HB 1868**, as amended, be adopted, which motion prevailed.

Senator Shields moved that **SCS for HB 1868**, as amended, be read the 3rd time and passed and was

recognized to close.

President Pro Tem Shields referred **SCS** for **HB 1868**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

### **PRIVILEGED MOTIONS**

Senator Mayer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 605**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Dempsey moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 754**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1375**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HBs 2262** and **2264** was placed on the Informal Calendar.

**HCS** for **HB 1516**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1446**, with **SCS**, was placed on the Informal Calendar.

**HB 1842** was placed on the Informal Calendar.

**HCS** for **HB 1541**, with **SCS**, was placed on the Informal Calendar.

**HB 1559** was placed on the Informal Calendar.

**HCS** for **HB 2070** was placed on the Informal Calendar.

**HCS** for **HB 2016**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 2357** was placed on the Informal Calendar.

**HB 2285**, with **SCS**, was placed on the Informal Calendar.

On motion of Senator Engler, the Senate recessed until 7:40 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1750**, with **SCS**, entitled:

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to exchange access rates.

Was taken up by Senator Griesheimer.

**SCS** for **HCS** for **HB 1750**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1750

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to exchange access rates.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 1750** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HCS** for **HB 1750**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1750

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to exchange access rates.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 1750** be adopted.

Senator Justus assumed the Chair.

At the request of Senator Griesheimer, **HCS** for **HB 1750**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

**HCS** for **HB 2357**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to public retirement plans.

Was called from the Informal Calendar and taken up by Senator Crowell.

Senator Crowell offered **SS** for **HCS** for **HB 2357**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2357

An Act to repeal sections 56.809, 70.605, 104.190, 104.480, 169.020, 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof twenty new sections relating to public retirement plans.

Senator Crowell moved that **SS** for **HCS** for **HB 2357** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 2357, Page 13, Section 70.605, Line 11 of said page, by inserting after all of said line the following:

“86.252. 1. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the entire interest of a member shall be distributed or begin to be distributed no later than the member's required beginning date. The general required beginning date of a member's benefit is April first of the calendar year

following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member terminates employment as a police officer and actually retires.

2. All distributions required pursuant to this section prior to January 1, 2003, shall be determined and made in accordance with the income tax regulations under Section 401(a)(9) of the Internal Revenue Code in effect prior to January 1, 2003, including the minimum distribution incidental benefit requirement of Section 1.401(a)(9)-2 of the income tax regulations. As of the first distribution year, distributions, if not made in a single sum, may only be made over one of the following periods, or a combination thereof:

(1) The life of the member;

(2) The life of the member and a designated beneficiary;

(3) A period certain not extending beyond the life expectancy of the member; or

(4) A period certain not extending beyond the joint and last survivor expectancy of the member and a designated beneficiary.

3. (1) This subsection shall apply for purposes of determining required minimum distributions for calendar years beginning on and after January 1, 2003, and shall take precedence over any inconsistent provisions of section 86.200 to 86.366. All distributions required under this subsection shall be determined and made in accordance with the United States Treasury regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.

(2) (a) The member's entire interest shall be distributed or begin to be distributed to the member no later than the member's required beginning date.

(b) If the member dies before distributions begin, the member's entire interest shall be distributed or begin to be distributed no later than as follows:

a. If the member's surviving spouse is the member's sole designated beneficiary, distributions to the surviving spouse shall begin by December thirty-first of the calendar year immediately following the calendar year in which the member died, or by December thirty-first of the calendar year in which the member would have attained age seventy and one-half years, if later;

b. If the member's surviving spouse is not the member's sole designated beneficiary, distributions to the designated beneficiary shall begin by December thirty-first of the calendar year immediately following the calendar year in which the member died;

c. If there is no designated beneficiary as of September thirtieth of the calendar year following the calendar year of the member's death, the member's entire interest shall be distributed by December thirty-first of the calendar year containing the fifth anniversary of the member's death;

d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distribution to the surviving spouse begins, this paragraph, except for subparagraph a. of this paragraph, shall apply as if the surviving spouse were the member. For purposes of this paragraph and subdivision (5) of this subsection, distributions shall be considered to begin on the member's required beginning date, or if subparagraph d. of this paragraph applies, the date distributions are required to begin to the surviving spouse under subparagraph a. of this paragraph. If annuity payments irrevocably commence to the member before the member's required beginning date, or to the member's surviving spouse before the date of distributions are required to begin to the surviving spouse under subparagraph a. of this paragraph, the date of distributions shall be considered to begin the date distributions

actually commence.

(c) Unless the member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions shall be made in accordance with subdivisions (3), (4), and (5) of this subsection. If the member's interest is distributed in the form of an annuity purchased from an insurance company, distributions shall be made in accordance with the requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, and the United States Treasury regulations.

(3) (a) If the member's interest is paid in the form of annuity distributions under sections 86.200 to 86.366, payments under the annuity shall satisfy the following requirements:

a. The annuity distributions shall be paid in periodic payments made at intervals not longer than one year;

b. The distribution period shall be over a life or lives, or over a period certain not longer than the period described in subdivision (4) or (5) of this subsection;

c. Once payments have begun over a period certain, the period certain shall not be changed even if the period certain is shorter than the maximum permitted;

d. Payments shall either be nonincreasing or increase only as [follows:

(i) By an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that is based on prices of all items and issued by the federal Bureau of Labor Statistics;

(ii) To the extent of the reduction in the amount of the member's payments to provide for a surviving benefit upon death, but only if the beneficiary whose life was being used to determine the distribution period described in subdivision (4) of this subsection dies or is no longer the member's beneficiary under a qualified domestic relations order with the meaning of Section 414(p) of the Internal Revenue Code of 1986, as amended;

(iii) To provide cash refunds of employee contributions upon the member's death; or

(iv) To pay increased benefits that result from a revision of sections 86.200 to 86.366] **permitted under Q&A of Section 1.401(a)(9)-6 of the United States Treasury regulations.**

(b) The amount distributed on or before the member's required beginning date, or if the member dies before distribution begins, the date distributions are required to begin under subparagraph a. or b. of paragraph (b) of subdivision (2) of this subsection, shall be the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if the payment interval ends in the next calendar year. "Payment intervals" means the periods for which payments are received, such as bimonthly, monthly, semiannually, or annually. All of the member's benefit accruals as of the last day of the first distribution calendar year shall be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the member's required beginning date.

(c) Any additional benefits accruing to the member in a calendar year after the first distribution calendar year shall be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

(4) (a) If the member's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary, annuity payments to be made on or after the

member's required beginning date to the designated beneficiary after the member's death shall not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the member using the table set forth in Q&A-2 of Section 1.401(a)(9)-6T of the United States Treasury regulations.

(b) The period certain for an annuity distribution commencing during the member's lifetime shall not exceed the applicable distribution period for the member under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the United States Treasury regulations for the calendar year that contains the annuity starting date. If the annuity starting date precedes the year in which the member reaches age seventy, the applicable distribution period for the member shall be the distribution period for age seventy under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the United States Treasury regulations plus the excess of seventy over the age of the member as of the member's birthday in the year that contained the annuity starting date.

(5) (a) If the member dies before the date distribution of his or her interest begins and there is a designated beneficiary, the member's entire interest shall be distributed, beginning no later than the time described in subparagraph a. or b. of paragraph (b) of subdivision (2) of this subsection, over the life of the designated beneficiary or over a period certain not exceeding:

a. Unless the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the member's death; or

b. If the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year that contains the annuity starting date.

(b) If the member dies before the date distributions begin and there is no designated beneficiary as of September thirtieth of the calendar year following the calendar year of the member's death, distribution of the member's entire interest shall be completed by December thirty-first of the calendar year containing the fifth anniversary of the member's death.

(c) If the member dies before the date distribution of his or her interest begins, the member's surviving spouse is the member's sole designated beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, this subdivision shall apply as if the surviving spouse were the member; except that, the time by which distributions shall begin shall be determined without regard to subparagraph a. of paragraph (b) of subdivision (2) of this subsection.

(6) As used in this subsection, the following terms mean:

(a) "Designated beneficiary", the surviving spouse or the individual who is designated as the beneficiary under subdivision (4) of section 86.200 or any individual who is entitled to receive death benefits under section 86.283 or 86.287 and is the designated beneficiary under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, and Section 1.401(a)(9)-1, Q&A-4 of the United States Treasury regulations;

(b) "Distribution calendar year", a calendar year for which a minimum distribution is required. For distributions beginning before the member's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the member's required beginning date. For distributions beginning after the member's death, the first distribution calendar year is the calendar year in which distributions are required to begin under paragraph (b) of subdivision (2) of this subsection;



(c) “Life expectancy”, life expectancy as computed by use of the Single Life Table in Section 1.401(a)(9)-9 of the United States Treasury regulations;

(d) “Required beginning date”, April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member terminates employment as a police officer and actually retires.

(7) Notwithstanding any provision in this subsection to the contrary:

(a) A distribution for calendar years 2003, 2004, and 2005 shall not fail to satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, merely because the payments do not satisfy Section 1.401(a)(9)-1, Q&A-1 to Q&A-16 of the United States Treasury regulations, provided the payments satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended; and

(b) [In the case of an annuity distribution option provided under the terms of sections 86.200 to 86.366 shall not fail to satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, merely because the annuity payments do not satisfy the requirements of Section 1.401(a)(9)-1, Q&A-1 to Q&A-15 of the United States Treasury regulations, provided the distribution option satisfies Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, based on a reasonable and good faith interpretation of the provisions of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.] **Pursuant to Section 1.401(a)(9)-1, Q&A-2 of the United States Treasury regulations, the plan shall be treated as having complied with Section 401(a)(9) of the Internal Revenue Code for all years to which Section 401(a)(9) of the Internal Revenue Code applies to the plan if the plan complies with a reasonable and good faith interpretation of Section 401(a)(9) of the Internal Revenue Code.**

86.255. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, if an eligible rollover distribution becomes payable to a distributee, the distributee may elect, at the time and in the manner prescribed by the board of trustees, to have any of the eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

2. For purposes of this section, the following terms mean:

(1) “Direct rollover”, a payment by the board of trustees from the fund to the eligible retirement plan specified by the distributee;

(2) “Distributee”, a member, a surviving spouse or a spouse **or, effective for distributions made on or after January 1, 2010, a nonspouse beneficiary;**

(3) “Eligible retirement plan”, an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code that accepts the distributee's eligible rollover distribution or, effective for eligible rollover distributions made on or after January 1, 2002, an annuity contract described in Section 403(b) of the Internal Revenue Code or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan, and shall include, for eligible rollover distributions made on or after January 1, [2002, a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code] **2008, a Roth IRA as described in Section 408 of the Internal Revenue Code, provided that for distributions made on or after January 1, 2010 to a non-spouse**

**beneficiary, an eligible retirement plan shall include only an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, or a Roth IRA described in Section 408A of the Internal Revenue Code that is an inherited individual retirement account or annuity under Section 408 of the Internal Revenue Code;**

(4) “Eligible rollover distribution”, any distribution of all or any portion of a member's benefit, other than:

(a) A distribution that is one of a series of substantially equal periodic payments, made not less frequently than annually, for the life or life expectancy of the distributee or for the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more;

(b) The portion of a distribution that is required under Section 401(a)(9) of the Internal Revenue Code; or

(c) Effective for distributions made on or after January 1, 2002, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, **for distributions made before January 1, 2007**, such portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable; **for distributions made on or after January 1, 2007**, such portion may also be transferred to an annuity contract described in Section 403(b) of the Internal Revenue Code or to a qualified defined benefit plan described in Section 401(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable; and for distributions made on or after January 1, 2008, such portion may also be transferred to a Roth IRA described in Section 408A of the Internal Revenue Code.

3. The board of trustees shall, at least thirty days, but not more than ninety days, before making an eligible rollover distribution, provide a written explanation to the distributee in accordance with the requirements of Section 402(f) of the Internal Revenue Code.

4. If the eligible rollover distribution is not subject to Sections 401(a) and 417 of the Internal Revenue Code, such eligible rollover distribution may be made less than thirty days after the distributee has received the notice described in subsection 3 of this section, provided that:

(1) The board of trustees clearly informs the distributee of the distributee's right to consider whether to elect a direct rollover, and if applicable, a particular distribution option, for at least thirty days after the distributee receives the notice; and

(2) The distributee, after receiving the notice, affirmatively elects a distribution.

5. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, in no event shall the trustees pay an eligible rollover distribution in the amount of five thousand dollars or less to a member or retired member who has not attained age sixty-two unless such member or retired member consents in writing either to receive such distribution in cash or to have such distribution directly rolled over in

accordance with the provisions of this section.

86.256. 1. In no event shall a member's annual benefit paid under the plan established pursuant to sections 86.200 to 86.366 exceed the amount specified in Section 415(b)(1)(A) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living, as in effect on the last day of the plan year, including any increases after the member's termination of employment.

2. Effective for limitation years beginning after December 31, 2001, in no event shall the annual additions to the plan established pursuant to sections 86.200 to 86.366, on behalf of the member, including the member's own mandatory contributions, exceed the [lesser of:

(1) One hundred percent of the member's compensation, as defined for purposes of Section 415(c)(3) of the Internal Revenue Code, for the limitation year; or

(2) Forty thousand dollars, as adjusted for increases in the cost of living under Section 415(d) of the Internal Revenue Code.

3. Effective for limitation years beginning prior to January 1, 2000, in no event shall the combined plan limitation of Section 415(e) of the Internal Revenue Code be exceeded; provided that, if necessary to avoid exceeding such limitation, the member's annual benefit under the plan established pursuant to sections 86.200 to 86.366 shall be reduced to the extent necessary to satisfy such limitations.

**4.] amount specified in Section 415(c) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living pursuant to Section 415(d) of the Internal Revenue Code, as in effect on the last day of the plan year.**

**3.** For purposes of this section, Section 415 of the Internal Revenue Code, including the special rules under Section 415(b) applicable to governmental plans and qualified participants employed by a police or fire department, is incorporated in this section by reference.

86.294. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, and subject to the provisions of subsections 2[, 3,] and [4] **3** of this section, effective January 1, 2002, the plan shall accept a member's rollover contribution or direct rollover of an eligible rollover distribution made on or after January 1, 2002, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code, or an annuity contract described in Section 403(b) of the Internal Revenue Code, or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, **and that would otherwise be includable in gross income.** The plan will also accept a member's rollover contribution of the portion of a distribution from an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code that is eligible to be rolled over and would otherwise be includable in gross income. **The plan will accept a member's direct rollover of an eligible rollover distribution made on or after October 1, 2010, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code or an annuity contract described in 403(b) of the Internal Revenue Code that includes after-tax employee contributions, other than Roth contributions described in Section 402A of the Internal Revenue Code, that are not includable in gross income and shall separately account for such after-tax amounts.**

**2. Except to the extent specifically permitted under procedures established by the board of trustees,** the amount of such rollover contribution or direct rollover of an eligible rollover distribution shall not exceed the amount required to repay the member's accumulated contributions plus the applicable

members' interest thereon from the date of withdrawal to the date of repayment in order to receive credit for such prior service in accordance with section 86.210, to the extent that Section 415 of the Internal Revenue Code does not apply to such repayment by reason of subsection (k)(3) thereof, or to purchase permissive service credit, as defined in Section 415(n)(3)(A) of the Internal Revenue Code, for the member under the plan in accordance with the provisions of section 105.691, RSMo.

3. Acceptance of any rollover contribution or direct rollover of **an** eligible rollover distribution under this section shall be subject to the approval of the board of trustees and shall be made in accordance with procedures established by the board of trustees.

[4. In no event shall the plan accept any rollover contribution or direct rollover distribution to the extent that such contribution or distribution consists of after-tax employee contributions which are not includable in gross income.]

**86.295. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, if a member dies on or after January 1, 2007, while performing qualified military service, as defined in Section 414(u)(5) of the Internal Revenue Code, the member's surviving spouse or other dependents shall be entitled to any benefits, other than benefit increases relating to the period of qualified military service, and the rights and features associated with those benefits which would have been provided under sections 86.280 and 86.290 if the member had returned to service as a police officer and died while in active service.”; and**

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2:**

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 2357, Page 15, Section 104.1091, Line 14 of said page, by striking the word “ten” and inserting in lieu thereof the following: “**five**”; and further amend line 21 of said page, by striking the word “ten” and inserting in lieu thereof the following: “**five**”; and

Further amend said bill and section, page 16, line 6 of said page, by striking the word “ten” and inserting in lieu thereof the following: “**five**”; and further amend line 14 of said page, by striking the word “ten” and inserting in lieu thereof the following: “**five**”; and further amend line 20 of said page, by striking the word “ten” and inserting in lieu thereof the following: “**five**”; and further amend lines 27-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 17, line 1 of said page, by striking all of said line and inserting in lieu thereof the following:

“**7. The**”; and further amend line 5 of said page, by striking the word “four” and inserting in lieu thereof the following: “**two**”; and

Further amend said bill, page 23, section 104.1500, line 14 of said page, be inserting after the word “subjects.” the following: “**The membership of the board shall represent the cultural diversity of the state and reflect the gender of the population of the state as whole.**”; and

Further amend said bill, page 29, section 104.1500, line 7 of said page, by striking the word “may” and

inserting in lieu thereof the following: “**shall**”; and further amend said line by inserting after the second use of the word “board” the following: “**at least**”; and

Further amend said bill, page 61, section 476.521, line 20 of said page, by striking the word “four” and inserting in lieu thereof the following: “**two**”.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Stouffer assumed the Chair.

Senator Crowell moved that **SS** for **HCS** for **HB 2357**, as amended, be adopted, which motion prevailed.

Senator Crowell moved that **SS** for **HCS** for **HB 2357**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SS** for **HCS** for **HB 2357**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Griesheimer moved that **HCS** for **HB 1750**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Ridgeway offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1750, Page 2, Section 392.605, Line 4, by striking the words “December 31, 2010” and inserting in lieu thereof the following: “**March 1, 2011**”; and further amend lines 5-6 of said page by striking the words “December thirty-first” and inserting in lieu thereof the following: “**March first**” and further amend said line by inserting at the end of said line the following: “**Between January fifteenth and January thirtieth of each year following a rate reduction required under this section, any company whose intrastate rates have been impacted by the requirements of this section shall submit a report to the chairperson of the house standing committee selected by the speaker of the house of representatives and the chairperson of the senate standing committee selected by the president pro tem of the senate which report shall describe the company's activities with regard to quality of consumer service, build-out of telecommunications infrastructure, and any other non-proprietary matters requested by the chairpersons of the committees as well as the financial impact of the provisions of this section on the company.**”.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 1750**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **HCS** for **HB 1750**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—31	

NAYS—Senators

Purgason                Rupp—2

Absent—Senators—None

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **INTRODUCTIONS OF GUESTS**

Senator Engler introduced to the Senate, Dylan Briggs, G. Scott Tapp and Lyndsey Mertzlufft.

Senator Bray introduced to the Senate, Brian Kelly, Kansas City.

Senator Lembke introduced to the Senate, Mary Schulte and Donald Schulte, Jefferson City.

Senator Schmitt introduced to the Senate, seventh grade students from Our Lady of Providence School, Crestwood; and Madeline May Reardon, Natalie Wagner, Jack Perlongo and Jeffrey Owens were made honorary pages.

Senator Mayer introduced to the Senate, Bud Lawson and David Knapp, Poplar Bluff; and Sally McVey, Kennett.

Senator Ridgeway introduced to the Senate, Norman Schoneman, his son, Cole, Blake Peyton and Colby Crowder, Smithville; and Cole, Blake and Colby were made honorary pages.

Senator Shields introduced to the Senate, Kyle, McKaulley and Tori Stephenson, Weston.

Senator Shields introduced to the Senate, the Physician of the Day, Dr. Glenn Talboy, M.D., Kansas City.

Senator Ridgeway introduced to the Senate, Kayla Lincoln, her daughter, Jonica and Kathy French, Smithville; and Jonica was made an honorary page.

Senator Pearce introduced to the Senate, Greg Hassler and his daughter, Ally, Warrensburg.

Senator Pearce introduced to the Senate, Enola White and Cody Sumter.

Senator Ridgeway introduced to the Senate, Charli Seltz and Kasara, Jessie, Shelby, Kimmie, Paul, Brittany and Brittany from Winnetonka High School, Kansas City.

Senator Vogel introduced to the Senate, Gretta Scheperle and Katie Wilson, Jefferson City; and Gretta and Katie were made honorary pages.

Senator Rupp introduced to the Senate, Megan Coburn.

On motion of Senator Engler, the Senate adjourned under the rules.

## SENATE CALENDAR

---

SIXTY-FOURTH DAY—WEDNESDAY, MAY 5, 2010

---

## FORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)	SCS for SB 622-Shoemyer (In Fiscal Oversight)
SJR 20-Bartle (In Fiscal Oversight)	SS for SB 1057-Shields (In Fiscal Oversight)
SB 779-Bartle (In Fiscal Oversight)	SCS for SB 969-Keaveny
SCS for SB 944-Shields (In Fiscal Oversight)	

## HOUSE BILLS ON THIRD READING

HCS for HB 1675, with SCS (Ridgeway) (In Fiscal Oversight)	HCS for HB 1497 (Goodman) (In Fiscal Oversight)
HJR 76-Dethrow, et al, with SCS (Purgason) (In Fiscal Oversight)	HCS for HBs 1695, 1742 & 1674, with SCS (Schaefer) (In Fiscal Oversight)
HCS#2 for HBs 1692, 1209, 1405, 1499, 1535 & 1811, with SCS (Cunningham) (In Fiscal Oversight)	HCS for HB 1316, with SCS (Nodler) (In Fiscal Oversight)
HCS for HBs 1311 & 1341, with SCS (Rupp) (In Fiscal Oversight)	HCS#2 for HB 1543, with SCS (Pearce) (In Fiscal Oversight)
	HB 1802-Gatschenberger, with SCS (Rupp)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham (In Fiscal Oversight)	SCS for SB 826-Griesheimer SB 1001-Griesheimer
--	---

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SB 639-Schmitt, with SCS & SS for SCS (pending)
SB 587-Nodler and Cunningham, with SCS & SA 1 (pending)	SB 643-Keaveny, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SB 596-Callahan, with SCS (pending)	SB 698-Griesheimer, with SCS, SS for SCS & SA 1 (pending)
SB 606-Stouffer	SB 705-Griesheimer
SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)	

SB 738-Crowell, with SCS  
SB 747-Rupp, et al, with SA 1 (pending)  
SB 784-Schaefer and Pearce  
SB 792-Dempsey and Rupp, with SS  
(pending)  
SB 797-Green  
SB 810-Lager, with SCS  
SB 818-Lembke, with SCS, SS for SCS &  
SA 1 (pending)  
SB 839-Wright-Jones, with SCS  
SB 852-Lager, et al, with SS, SA 1 &  
SSA 1 for SA 1 (pending)  
SB 868-Shields  
SB 878-Lembke, with SCS & SS for SCS  
(pending)  
SBs 880, 780 & 836-Schaefer, with SCS,  
SS for SCS & SA 1 (pending)  
SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS, SS for  
SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
SSA 1 for SA 1 (pending)

SB 896-Shields and Crowell, with SA 1  
(pending)  
SB 905-Bray, et al, with SCS & SS for  
SCS (pending)  
SB 999-Schaefer  
SB 1016-Mayer, with SCS  
SB 1017-Mayer, with SCS (pending)  
SB 1060-Bartle, with SCS  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS, SS#2  
for SCS & SA 5 (pending)  
SJR 29-Purgason and Cunningham, with  
SCS, SS#2 for SCS & SA 1 (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1  
(pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

#### HOUSE BILLS ON THIRD READING

HCS for HB 1290, with SCS, SS#2 for SCS  
& SA 9 (pending) (Griesheimer)  
HCS for HB 1375, with SCS (Justus)  
SS for HCS for HBs 1408 & 1514 (Lembke)  
(In Fiscal Oversight)  
HB 1424-Franz, with SCS (pending)  
(McKenna)  
HCS for HB 1446, with SCS (Pearce)  
HCS#2 for HB 1472 (Schaefer)  
HCS for HB 1516, with SCS (Lager)  
HCS for HB 1541, with SCS (Goodman)  
HB 1559-Brown (30) (Shields)  
HB 1595-Dugger, et al (Purgason)  
HB 1609-Diehl, with SCS & SS#2 for SCS  
(pending) (Bartle)  
HB 1842-Wilson (130)  
SCS for HB 1868-Scharnhorst (Shields)  
(In Fiscal Oversight)  
HCS for HB 1893, with SCA 1 (Dempsey)

HB 1894-Bringer (Bray)  
(In Fiscal Oversight)  
SCS for HCS for HB 1965 (Cunningham)  
(In Fiscal Oversight)  
HCS for HB 2016, with SCS (Mayer)  
HCS for HB 2048, with SCS (Lager)  
HCS for HB 2070 (Schaefer)  
HB 2109-Ruzicka, with SCS (Lager)  
SS for SCS for HB 2111-Faith, et al  
(Stouffer) (In Fiscal Oversight)  
SCS for HB 2226, HB 1824, HB 1832 &  
HB 1990 (Scott) (In Fiscal Oversight)  
HCS for HBs 2262 & 2264 (Stouffer)  
HB 2285-Thomson, with SCS (Lager)  
SS for HCS for HB 2357 (Crowell)  
(In Fiscal Oversight)  
HCS for HJR 86, with SCS & SS for SCS  
(pending) (Stouffer)



## CONSENT CALENDAR

## House Bills

Reported 4/15

HCS for HB 1858, with SCS (Shoemyer)

## SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 630-Cunningham, with HA 1  
& HA 2SCS for SB 644-Shields, with HA 1, HA 2  
& HA 3SCS for SB 733-Pearce, with HCS,  
as amended

SB 773-Dempsey, with HA 1

SB 851-Schmitt, with HCS

SCS for SB 942-Rupp, with HCS

SB 987-Stouffer, with HCS, as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

HB 1442-Jones (89), et al, with SS for  
SCS, as amended (Nodler)

## Requests to Recede or Grant Conference

SS for SCS for SB 605-Mayer, with HCS,  
as amended (Senate requests House  
recede or grant conference)SCS for SB 754-Dempsey, with HCS,  
as amended (Senate requests House  
recede or grant conference)

## RESOLUTIONS

## Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer  
HCR 38-Icet, et al, with SCA 1 (Lembke)HCS for HCRs 34 & 35 (Schmitt)  
SR 1744-Shields  
SCR 57-Ridgeway

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-FOURTH DAY—WEDNESDAY, MAY 5, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I am the Lord...I will not leave you until I have done what I have promised you.” (Genesis 28:13a, 15b)

Gracious Lord, we began this day in prayer and conversation as we discern Your word and will for us. We pray that we may be with You and that You watch over us as hours here lengthen and time left for us to act shortens. We ask that You keep us mindful of our obligation to serve those who elected us and be helpful one to the other. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Engler announced that photographers from KRCG-TV, KCPT-TV and the Columbia Missourian

were given permission to take pictures in the Senate Chamber today.

### RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 2429, regarding Kayla Marie Lanier, St. Charles, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2430, regarding the death of Tommy Lee Manley, Jr., Saint Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 2431, regarding the Forth-fifth Wedding Anniversary of Mr. and Mrs. John F. Hrabar, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2432, regarding the Sixty-sixth Wedding Anniversary of Mr. and Mrs. John Stanley Dybell, Jackson, which was adopted.

Senator Days offered Senate Resolution No. 2433, regarding the Ninetieth Birthday of Martha Travis, Northwoods, which was adopted.

Senator Bartle offered Senate Resolution No. 2434, regarding FIRST Robotics Team #1730, Lee's Summit High School, which was adopted.

Senator Bartle offered Senate Resolution No. 2435, regarding FIRST Robotics Team #1987, Lee's Summit North High School, which was adopted.

Senator Bartle offered Senate Resolution No. 2436, regarding FIRST Robotics Team #1986, Lee's Summit West High School, which was adopted.

Senator Keaveny offered Senate Resolution No. 2437, regarding Lindsey Weinberg, which was adopted.

### HOUSE BILLS ON THIRD READING

**HCS No. 2 for HB 1472**, entitled:

An Act to repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to the designation of controlled substances, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Schaefer.

Senator Justus offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for House Bill No. 1472, Page 19, Section 195.017, Line 645, by inserting after all of said line the following:

"195.202. 1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to possess or have under his control a controlled substance.

2. Any person who violates this section with respect to any controlled substance except thirty-five grams or less of marijuana, **Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, Indole, or 1-butyl-3(1-naphthoyl)indole, Indole, or 1-pentyl-3(1-naphthoyl)indole, and Phenol, CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol**, where side chain n=5, and homologues where side chain n-4,6, or 7 is guilty of a class C felony.

3. Any person who violates this section with respect to not more than thirty-five grams of marijuana, **Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, Indole, or 1-butyl-3(1-naphthoyl)indole, Indole, or 1-pentyl-3(1-naphthoyl)indole, and Phenol, CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain n-4,6, or 7 is guilty of a class A misdemeanor.”; and**

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Mayer assumed the Chair.

On motion of Senator Schaefer, **HCS No. 2** for **HB 1472**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Scott Wright-Jones—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **PRIVILEGED MOTIONS**

Senator Pearce moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 733**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Stouffer moved that the Senate refuse to concur in **HCS** for **SB 987**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1893**, with **SCA 1**, entitled:

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof three new sections relating to the distribution and use of gaming funds.

Was called from the Informal Calendar and taken up by Senator Dempsey.

**SCA 1** was taken up.

Senator Dempsey moved that the above committee amendment be adopted, which motion failed.

Senator Dempsey offered **SS** for **HCS** for **HB 1893**, entitled:

#### **SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1893**

An Act to repeal sections 313.807 and 313.835, RSMo, and to enact in lieu thereof four new sections relating to excursion gambling boats, with an emergency clause for a certain section.

Senator Dempsey moved that **SS** for **HCS** for **HB 1893** be adopted.

Senator Days offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for House Committee Substitute for House Bill No. 1893, Page 4, Section 42.300, Line 4, by inserting after all of said line the following:

**“4. The state auditor shall conduct an audit of all moneys in the veterans' commission capital improvement trust fund every six months beginning January 1, 2011, and ending on December 31, 2013. The findings of each audit shall be distributed to the general assembly, governor, and lieutenant governor no later than ten business days after the completion of such audit.”; and**

Further amend said bill, Page 8, Section 161.215, Line 22, by inserting after “8.” the following: **“The state auditor shall conduct an audit of all moneys in the early childhood development, education and care fund created in subsection 1 of this section every six months beginning January 1, 2011, and ending on December 31, 2013. The findings of each audit shall be distributed to the general assembly**

**no later than ten business days after the completion of such audit.**

**9.”; and**

Further amend said bill, Page 22, Section 313.835, Line 22, by inserting after “fund” the following: **“for the purpose of funding veterans service officer programs identified under subdivision (5) of subsection 1 of section 42.300,”.**

Senator Days moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

Senator Keaveny offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 1893, Page 1, Line 5, by striking the words “six months” and inserting in lieu thereof the following: **“year”**; and

Further amend said amendment and page, line 13, by striking the words “six months” and inserting in lieu thereof the following: **“year”**.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 1893, Page 23, Section 313.835, Line 2, by inserting after all of said line the following:

“447.503. As used in sections 447.500 to 447.595, unless the context otherwise requires, the following terms mean:

(1) “Banking organization”, any bank, trust company, or safe deposit company, engaged in business in this state;

(2) “Business association”, any corporation, joint stock company, business trust, partnership, limited partnership, or any association for business purposes, or any mutual fund or other similar entity, whether operating in the form of a corporation or a trust, including but not limited to any investment companies registered under the federal Investment Company Act of 1940;

(3) “Engaged in business in this state”, any transaction of business within this state sufficient to support personal jurisdiction in the courts of this state;

(4) “Financial organization”, any savings and loan association, credit union, or loan and investment company engaged in business in this state;

(5) “Holder”, any person in possession of property subject to sections 447.500 to 447.595 belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to sections

447.500 to 447.595;

(6) “Insurance corporation”, any association or corporation transacting within this state the business of property insurance or casualty insurance or life insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities;

(7) **“Military medals”, any decoration or award that may be presented or awarded to a member of a unit of the armed forces or national guard;**

(8) “Owner”, a depositor in case of a deposit, a beneficiary in case of a trust except a trust defined in section 456.500, RSMo, the unclaimed property of which has not escheated pursuant to the provisions of section 456.650, RSMo, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to sections 447.500 to 447.595, or such person's legal representative;

[(8)] (9) “Person”, any individual, business association, government or political subdivision, public corporation, public authority, estate, trust except a trust defined in section 456.500, RSMo, two or more persons having a joint or common interest, or any other legal or commercial entity;

[(9)] (10) “Reasonable and necessary diligence as is consistent with good business practice”, efforts appropriate to and commensurate with the nature and value of the property at issue; however, the holder shall send a notice regarding the unclaimed property via first class mail postage prepaid, marked “Address Correction Requested”. Such letter shall be sent by the holder within twelve months prior to turning the property over to the treasurer. Notwithstanding the provisions of this section, the holder may treat letters sent in the ordinary course of business, first class and “Address Correction Requested” as satisfying the definition of “reasonable and necessary diligence as is consistent with good business practice”. The holder may treat notices regarding the unclaimed property as satisfying the “reasonable and necessary standard” for contacting owners. If the postal service provides the holder with additional information as part of the address correction process, the holder shall send second and subsequent notices in the same format as the first notice to any new address provided to the holder;

[(10)] (11) “Treasurer”, the Missouri state treasurer;

[(11)] (12) “Utility”, any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas or who engages in such business in this state.

447.559. All abandoned tangible personal property delivered to the treasurer pursuant to subdivision (4) of section 447.505 that has possible historical significance shall be reviewed as follows:

(1) The treasurer at the treasurer's discretion shall screen such property to determine if the property indicates a need for further review;

(2) In the event it is determined that such property needs further review, the treasurer shall make available such property to the state historical society of Missouri for historical review. The state historical society shall issue to the treasurer its report and recommend to the treasurer the appropriate state department or agency to act as custodian of any property deemed to be of such historical significance as to be retained;

(3) The state historical society shall receive a reasonable fee for its services. If the treasurer and the state historical society cannot agree on the amount of the fee, the commissioner of administration shall determine

the fee. The fee shall be paid out of appropriations made from the abandoned fund account;

**(4) The state treasurer's office upon receiving military medals shall hold and maintain such military medals until the original owner or their respective heirs or beneficiaries can be identified and the military medal returned. The state treasurer may designate a veteran's organization or other appropriate organization as custodian of medals until the original owner or their respective heirs or beneficiaries are located.**

620.515. 1. This section shall be known and may be cited as the “Hero at Home” program, the purpose of which is to:

(1) Assist the spouse of an active duty national guard or reserve component service member reservist to address immediate needs and employment in an attempt to keep the family from falling into poverty while the primary income earner is on active duty, and during the one-year period following discharge from deployment; and

(2) Assist returning national guard troops or reserve component service member reservists with finding work in situations where an individual needs to rebuild business clientele or where an individual's job has been eliminated while such individual was deployed, or where the individual otherwise cannot return to his or her previous employment, **or where the individual returns to employment that is no longer suitable.**

2. Subject to appropriation, the department of economic development shall operate the hero at home program through existing programs or by entering into a contract with qualified providers through local workforce investment boards. Eligibility for the program shall be based on the following criteria:

(1) Eligible participants in the program shall be those families where:

(a) The primary income earner was called to active duty in defense of the United States for a period of more than four months;

(b) The family's primary income is no longer available;

(c) The family is experiencing significant hardship due to financial burdens; and

(d) The family has no outside resources available to assist with such hardships;

(2) Services that may be provided to the family will be aimed at ameliorating the immediate crisis and providing a path for economic stability while the primary income is not available due to the active military commitment. Services shall be made available up to one year following discharge from deployment. Services may include, but not be limited to the following:

(a) Financial assistance to families facing financial crisis from overdue bills due to reduced income after the deployment of a spouse;

(b) Help paying day care costs to pursue training and or employment;

(c) Help covering the costs of transportation to training and or employment;

(d) Vocational evaluation and vocational counseling to help the individual choose a visible employment goal;

(e) Vocational training to acquire or upgrade skills needed to be marketable in the workforce;

(f) Paid internships and subsidized employment to train on the job; and



(g) Job placement assistance for those who don't require skills training;

(3) The department shall ensure the eligible providers are:

(a) Community-based not-for-profit agencies which have significant experience in job training, placement, and social services;

(b) Providers with extensive experience providing such services to veterans and implementing contracts with veteran organizations such as the department of veteran affairs;

(c) Providers which have attained the distinction of being accredited through a national accreditation body for training and or human services; **and**

(d) [Providers which are able to provide a twenty percent match to the program either through indirect or direct expenditures; and

(e)] Providers with experience in the regions targeted for the program.

3. The department shall structure any contract such that payment will be based on delivering the services described in this section as well as performance to guarantee the greatest possible effectiveness of the program.

4. Because of the important nature of this program to the health and welfare of Missourians, this section shall become effective on July 1, 2006. The department shall make every reasonable effort to ensure that the hero at home program is serving families by August 1, 2006.

5. The department shall prepare a report on the operations and progress of the program to be delivered to the speaker of the house of representatives and the president pro tem of the senate no later than January 1, 2007.

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted.

At the request of Senator Dempsey, **HCS for HB 1893**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Engler announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 2297**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

### **PRIVILEGED MOTIONS**

Senator Wilson moved that the Senate refuse to recede from its position on **SCS for HCS for HB 2297**, as amended, and grant the House a conference thereon, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

**HCS for HBs 2262 and 2264**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto two new sections relating to the Missouri youth challenge academy, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Stouffer.

President Pro Tem Shields assumed the Chair.

Senator Stouffer offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill Nos. 2262 and 2264, Page 1, Section 41.206, Line 1, by striking the word “shall” and inserting in lieu thereof the following: “**may**”.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Stouffer, **HCS** for **HBs 2262** and **2264**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson

Wright-Jones—33

#### NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Vogel—1

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson

Wright-Jones—33

#### NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Vogel—1

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HB 1516**, with **SCS**, entitled:

An Act to repeal sections 21.840, 57.080, 57.130, 71.970, 99.799, 143.171, 165.016, 165.018, 174.020, 192.632, 197.305, 197.318, 197.366, 208.344, 208.978, 211.013, 217.860, 303.400, 303.403, 303.406, 303.409, 303.412, 303.415, 307.367, 320.093, 329.028, 374.208, 376.990, and 620.515, RSMo, and to enact in lieu thereof eight new sections for the sole purpose of repealing expired, sunset, terminated, or ineffective provisions of law.

Was called from the Informal Calendar and taken up by Senator Lager.

**SCS for HCS for HB 1516**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1516

An Act to repeal sections 21.840, 57.080, 57.130, 71.970, 99.799, 143.171, 165.016, 165.018, 174.020, 192.632, 197.305, 197.318, 197.366, 208.344, 208.978, 211.013, 217.860, 307.367, 329.028, 374.208, 376.990, and 620.515, RSMo, and to enact in lieu thereof eight new sections for the sole purpose of repealing expired, sunset, terminated, or ineffective provisions of law.

Was taken up.

Senator Lager moved that **SCS for HCS for HB 1516** be adopted, which motion prevailed.

On motion of Senator Lager, **SCS for HCS for HB 1516** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Vogel—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 795**, entitled:

An Act to repeal sections 196.316, 265.300, 266.355, 267.565, 267.600, 270.260, 270.400, 273.327, 273.329, 281.260, 311.297, 311.550, 319.306, and 319.321, RSMo, and to enact in lieu thereof fifty-seven new sections relating to animals and agriculture, with penalty provisions.

With House Amendment Nos. 1 and 2, House Amendment No.1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment Nos. 5 and 6 and House Substitute Amendment No. 1 for House Amendment No. 7.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 795, Section 266.355, Page 16, Lines 10 and 11, by deleting all of said lines and inserting in lieu thereof the following:

**“set forth in ANSI Standard K6.1-1999, Safety Requirements for the Storage and Handling of Anhydrous Ammonia; except that, ANSI Standard K6.1-1999, shall not be adopted by the”;** and

Further amend said bill, Section 267.810, Page 19, Lines 26 and 27, by deleting all of said lines and inserting in lieu thereof the following:

**“(18) A member representative of the Missouri Federation of Animal Owners; and**

**(19) A producer member representative of the Missouri Rice Council.”;** and

Further amend said bill and section, Page 20, Line 43, by inserting immediately after the word **“committee”**, as it appears for the first time on said line, the following:

**“nor shall the members be reimbursed for any expenses associated with their service on the committee”;** and

Further amend said bill and page, section 270.260, line 1, by inserting immediately after the word **“who”**, the following:

**“recklessly or”;** and

Further amend said bill, section and page, lines 3 thru 20, by deleting all of said lines and inserting in lieu thereof the following:

**“such animals is guilty of a class A misdemeanor. Each swine so released shall be a separate offence.**

**2. Every person who has previously pled guilty to or been found guilty of violating the provisions of section 270.260 committed on two separate occasions where such offence occurred within ten years of the date of the occurrence of the present offence and who subsequently pleads guilty to or is found guilty of violating section 270.260 shall be guilty of a class D felony.”;** and

Further amend said bill and section, page 21, lines 23 and 24, by deleting all of said lines and inserting in lieu thereof the following:

**“270.270. 1. Any person possessing or transporting live Russian and European wild boar or wild-caught swine on or through public land without a Missouri department of agriculture permit is guilty of a class A misdemeanor. Each violation of this subsection shall be a separate offense.**

**2. Any law enforcement officer, any agent of the conservation commission, or the state veterinarian is authorized to enforce the provisions of this section , section 270.260, and section 270.400.”; and**

Further amend said bill, section 270.400, page 21, line 24, by inserting immediately after the word **“fees”**, the following:

**“and administrative penalties”**; and

Further amend said bill and section, page 22, line 41, by deleting all of said line and inserting in lieu thereof the following:

**“of the violation of section 270.260.”**; and

Further amend said bill, section 578.622, page 41, line 2, by inserting immediately after the word **“Medicine”**, the following:

**“, or a zoological park that is a part of a district created under chapter 184”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 795, Pages 8 and 9, Section 262.880, Lines 1 thru 46, by deleting all of said section and lines; and

Further amend said bill, page 34, section 319.321, line 26, by inserting immediately after said line the following:

**“393.1025. As used in sections 393.1020 to 393.1030, the following terms mean:**

(1) **“Commission”**, the public service commission;

(2) **“Department”**, the department of natural resources;

(3) **“Electric utility”**, any electrical corporation as defined by section 386.020;

(4) **“Renewable energy credit” or “REC”**, a tradeable certificate of proof that one megawatt-hour of electricity has been generated from renewable energy sources; and

(5) **“Renewable energy resources”**, electric energy produced from wind, solar thermal sources, photovoltaic cells and panels, dedicated crops grown for energy production, cellulosic agricultural residues, plant residues, methane from landfills, **from agricultural operations**, or from wastewater treatment, **thermal depolymerization or pyrolysis for converting waste material to energy**, clean and untreated wood such as pallets, hydropower (not including pumped storage) that does not require a new diversion or impoundment of water and that has a nameplate rating of ten megawatts or less, fuel cells using hydrogen produced by one of the above-named renewable energy sources, and other sources of energy not including nuclear that become available after November 4, 2008, and are certified as renewable by rule by the department.

393.1030. 1. The commission shall, in consultation with the department, prescribe by rule a portfolio

requirement for all electric utilities to generate or purchase electricity generated from renewable energy resources. Such portfolio requirement shall provide that electricity from renewable energy resources shall constitute the following portions of each electric utility's sales:

- (1) No less than two percent for calendar years 2011 through 2013;
- (2) No less than five percent for calendar years 2014 through 2017;
- (3) No less than ten percent for calendar years 2018 through 2020; and
- (4) No less than fifteen percent in each calendar year beginning in 2021.

At least two percent of each portfolio requirement shall be derived from solar energy. The portfolio requirements shall apply to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside of this state. A utility may comply with the standard in whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.

2. The commission, in consultation with the department and within one year of November 4, 2008, shall select a program for tracking and verifying the trading of renewable energy credits. An unused credit may exist for up to three years from the date of its creation. A credit may be used only once to comply with sections 393.1020 to 393.1030 and may not also be used to satisfy any similar nonfederal requirement. An electric utility may not use a credit derived from a green pricing program. Certificates from net-metered sources shall initially be owned by the customer-generator. The commission, except where the department is specified, shall make whatever rules are necessary to enforce the renewable energy standard. Such rules shall include:

(1) A maximum average retail rate increase of one percent determined by estimating and comparing the electric utility's cost of compliance with least-cost renewable generation and the cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking into proper account future environmental regulatory risk including the risk of greenhouse gas regulation;

(2) Penalties of at least twice the average market value of renewable energy credits for the compliance period for failure to meet the targets of subsection 1. An electric utility will be excused if it proves to the commission that failure was due to events beyond its reasonable control that could not have been reasonably mitigated, or that the maximum average retail rate increase has been reached. Penalties shall not be recovered from customers. Amounts forfeited under this section shall be remitted to the department to purchase renewable energy credits needed for compliance. Any excess forfeited revenues shall be used by the department's energy center solely for renewable energy and energy efficiency projects;

(3) Provisions for an annual report to be filed by each electric utility in a format sufficient to document its progress in meeting the targets;

(4) Provision for recovery outside the context of a regular rate case of prudently incurred costs and the pass-through of benefits to customers of any savings achieved by an electrical corporation in meeting the requirements of this section.

3. Each electric utility shall make available to its retail customers a standard rebate offer of at least two dollars per installed watt for new or expanded solar electric systems sited on customers' premises, up to a maximum of twenty-five kilowatts per system, that become operational after 2009.

4. The department shall, in consultation with the commission, establish by rule a certification process

for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy resources, only the portion of electrical output attributable to renewable energy resources shall be used to fulfill the portfolio requirements.

**5. In carrying out the provisions of this section, the commission and the department shall include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Bill No. 795, Page 1, Line 5 of said page, by inserting after all of said line the following:

“Further amend said bill, Page 23, Section 281.260, Line 15, by inserting after the number “**261.200**” the following: “**to be used solely to administer the pest and pesticide programs of the department of agriculture. If the funding exceeds the reasonable costs to administer the programs as set forth herein, the department of agriculture shall reduce fees for all registrants if the fees derived exceed the reasonable cost of administering the pest and pesticide programs of the department of agriculture**”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 795, Page 3, Section 261.200, Line 11, by deleting all of said line and inserting in lieu thereof the following:

**“administration of the program from which the fee was collected; except that, the provisions of this section shall not apply to any moneys credited to the fund under subdivision (2) of subsection 1 of section 311.550.”; and**

Further amend said bill, page 24, section 281.260, lines 34 thru 36, by deleting all of said lines and inserting in lieu thereof the following:

**“set forth herein, the department of agriculture shall reduce fees for all registrants if the fees derived exceed the reasonable cost of administering the pest and pesticide programs of the department of agriculture.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 795, Page 10 and 11, Section 265.300, Lines 1 to 37, by removing all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 795, Page 3, Section 226.1120, Line 22, by inserting after all of said line the following:

**“246.310. The provisions of section 262.802 shall not apply to any drainage district or levee district formed under the laws of this state.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No.795, Page 1, In the Title, Line 4, by inserting before the period at the end of said line the following: “, and an emergency clause for a certain section”; and

Further amend said bill, Page 23, Section 273.329, Line 19, by inserting after all of said line the following:

**“274.180. Each association organized hereunder shall pay an annual fee of ten dollars only, in lieu of all franchise or license or corporation or other taxes, or taxes, or sales taxes, or charges upon reserves held by it for members.”; and**

Further amend said bill, Page 42, Section 1, Line 2, by inserting after all of said line the following:

**“Section B. Because immediate action is necessary to ensure compliance with the Missouri administrative hearing commission decision, the repeal and reenactment of section 274.180 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 274.180 of section A of this act shall be in full force and effect upon its passage and approval.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 739**, entitled:

An Act to repeal section 320.097, RSMo, and to enact in lieu thereof one new section relating to fire department employee residency requirements.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

**HCS** for **HB 1858**, with **SCS**, entitled:

An Act to repeal section 640.240, RSMo, and to enact in lieu thereof one new section relating to the minority and underrepresented environmental literacy program.



Was called from the Consent Calendar and taken up by Senator Shoemyer.

**SCS** for **HCS** for **HB 1858**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1858**

An Act to repeal sections 161.415 and 640.240, RSMo, and to enact in lieu thereof two new sections relating to scholarships to be administered by the department of higher education.

Was taken up.

Senator Shoemyer moved that **SCS** for **HCS** for **HB 1858** be adopted, which motion prevailed.

On motion of Senator Shoemyer, **SCS** for **HCS** for **HB 1858** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

**NAYS—Senators—None**

Absent—Senator Scott—1

Absent with leave—Senator Vogel—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Shoemyer, title to the bill was agreed to.

Senator Shoemyer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**CONFERENCE COMMITTEE  
APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2297**, as amended: Senators Wilson, Keaveny, Shields, Pearce and Vogel.

**CONCURRENT RESOLUTIONS**

Senator Lembke moved that **HCR 38**, with **SCA 1**, be taken up for adoption, which motion prevailed.

**SCA 1** was taken up.

Senator Lembke moved that the above committee amendment be adopted, which motion prevailed.

On motion of Senator Lembke, **HCR 38**, as amended, was adopted by the following vote:

## YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson—30		

## NAYS—Senators

Justus                Wright-Jones—2

Absent—Senator Bray—1

Absent with leave—Senator Vogel—1

Vacancies—None

### PRIVILEGED MOTIONS

Senator Schmitt moved that **SB 851**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 851**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 851

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to public notice required for certain meetings of political subdivisions.

Was taken up.

Senator Dempsey assumed the Chair.

Senator Schmitt moved that **HCS** for **SB 851** be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson

Wright-Jones—33

## NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Vogel—1

Vacancies—None

On motion of Senator Schmitt, **HCS** for **SB 851** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson

Wright-Jones—33

## NAYS—Senators—None

## Absent—Senators—None

## Absent with leave—Senator Vogel—1

## Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Lembke moved that **SB 739**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 739**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 739

An Act to repeal section 320.097, RSMo, and to enact in lieu thereof one new section relating to fire department employee residency requirements.

Was taken up.

Senator Lembke moved that **HCS** for **SB 739** be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Crowell	Cunningham	Dempsey	Engler
Goodman	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Wright-Jones—27					

## NAYS—Senators

Bray	Days	Keaveny	Wilson—4
------	------	---------	----------

## Absent—Senators

Clemens	Green—2
---------	---------

Absent with leave—Senator Vogel—1

Vacancies—None

On motion of Senator Lembke, **HCS** for **SB 739** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Crowell	Cunningham	Dempsey	Engler
Goodman	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Wright-Jones—27					

NAYS—Senators

Days	Keaveny	Wilson—3
------	---------	----------

Absent—Senators

Bray	Clemens	Green—3
------	---------	---------

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### HOUSE BILLS ON THIRD READING

Senator Griesheimer moved that **HCS** for **HB 1290**, with **SCS**, **SS No. 2** for **SCS** and **SA 9** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 9** was again taken up.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 10**:

#### SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 20, Section 67.314, Line 6 of said page, by striking the following: “which is in effect on May 1, 2010,” and further amend line 7 of said page, by striking “state or”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 11**:

## SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 98, Section 77.305, Line 25, by inserting at the end of said line the following: **“The provisions of this section shall not be used to determine a public preference for the sale or sale negotiation of any city asset.”**.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 12**:

## SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 23, Section 67.314, Line 25 of said page, by inserting immediately after said line the following:

**“67.402. 1. The governing body of the following counties may enact nuisance abatement ordinances as provided in this section:**

**(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but [less] fewer than one hundred thirty-five thousand five hundred inhabitants[.];**

**(2) Any county of the first classification with more than seventy-one thousand three hundred but [less] fewer than seventy-one thousand four hundred inhabitants[, and];**

**(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but [less] fewer than one hundred ninety-nine thousand two hundred inhabitants;**

**(4) Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;**

**(5) Any county of the third classification without a township form of government and with more than sixteen thousand four hundred but fewer than sixteen thousand five hundred inhabitants;**

**(6) Any county of the third classification with a township form of government and with more than fourteen thousand five hundred but fewer than fourteen thousand six hundred inhabitants.**

**2. The governing body of any county described in subsection 1 of this section may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, tires, storm water runoff conditions resulting in damage to buildings or infrastructure, or overgrown or noxious weeds in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.**

**[2.] 3. Any ordinance enacted pursuant to this section shall:**

**(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;**

**(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all**

inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located shall be made parties;

(4) Provide that upon failure to commence work of abating the nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter before the county commission, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if evidence supports a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, the county commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the property to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the nuisance abated. If the evidence does not support a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

[3.] 4. Any ordinance authorized by this section may provide that if the owner fails to begin abating the nuisance within a specific time which shall not be longer than seven days of receiving notice that the nuisance has been ordered removed, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the county clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the county collector's option, for the property and the certified cost shall be collected by the county collector in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

**5. No county shall have the power to adopt any ordinance, resolution, or regulation pursuant to this section governing any railroad company, telecommunications or wireless company, public utility, rural electric cooperative, or municipal utility.”; and**

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 13**:

**SENATE AMENDMENT NO. 13**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 194, Section 204.571, Line 17 of said page, by inserting immediately after said line the following:

“226.720. 1. No junkyard shall be established, maintained or operated within two hundred feet of any other state or county road in this state unless such junkyard is **fully** screened from the **state or county** road by a **permanent** tight board or other screen fence not less than ten feet high, or of sufficient height to **fully** screen the wrecked or disabled automobiles or junk kept therein from the view of persons using the **state or county** road on foot or in vehicles in the ordinary manner, except that nothing in this section shall apply to any junkyard located in any incorporated town, village or city. The provisions of sections 226.650 through 226.710 shall not apply to this section except the definitions appearing in section 226.660.

2. Any person, firm or corporation who establishes, conducts, owns, maintains or operates a junkyard without complying with the provisions of this section shall, [on] **upon their first** conviction, be guilty of a **class C** misdemeanor **and shall be ordered to either remove the junk from the property or build a fence as described in this section. Any person, firm, or corporation who establishes, conducts, owns, maintains, or operates a junkyard without complying with the provisions of this section shall, upon their second or subsequent violation, be guilty of a class A misdemeanor and shall be ordered to either remove the junk from the property or build a fence as described in this section.”**; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 14**:

#### SENATE AMENDMENT NO. 14

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 200, Section 304.125, Line 15, by inserting immediately after said line the following:

**“304.286. No county, city, town, village, municipality, state agency, or other political subdivision of this state that is authorized to issue a notice of violation for a violation of a state or local traffic law or regulation, shall use or employ an automated photo red light enforcement system at any intersection within its jurisdiction. As used in this section, the term “automated photo red light enforcement system” shall mean a device, consisting of a camera or cameras and a vehicle sensor or sensors, installed to work in conjunction with a traffic control signal, which is used to produce recorded images of motor vehicles entering an intersection against a red signal indication.”**; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Green offered **SA 1** to **SA 14**, which was read:

#### SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1290, Page 1, Section 304.286, Line 3, by inserting after “304.286” the following: **“1.”**; and

further amend line 14 by inserting after all of said line the following:

**“2. The provisions of subsection 1 of this section shall not apply to any county, city, town, village, municipality, state agency, or other political subdivision that has adopted an ordinance, resolution,**

**or order permitting the use of automated photo red light enforcement systems within their respective jurisdiction prior to August 28, 2010.”.**

Senator Green moved that the above amendment be adopted.

Senator Crowell requested a roll call vote be taken on the adoption of **SA 1 to SA 14**. He was joined in his request by Senators Callahan, Green, Lembke and McKenna.

At the request of Senator Griesheimer, **HCS for HB 1290**, with **SCS, SS No. 2 for SCS, SA 14 and SA 1 to SA 14** (pending), was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS for SCS for HCS for HB 1750**, as amended, and has taken up and passed **SS for SCS for HCS for HB 1750**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SBs 842, 799 and 809**, entitled:

An Act to repeal section 208.215, RSMo, and to enact in lieu thereof two new sections relating to the MO HealthNet program.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No 2, House Amendment No. 2 to House Amendment No. 2, House Amendment No. 4 to House Amendment No. 2, House Amendment No. 2, as amended, and House Amendment Nos. 3 and 4.

### **HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 and 809, Section 208.215, Page 8, Line 258 by inserting after all of said Section, Page, and Line the following:

“660.425. 1. In addition to all other fees and taxes required or paid, a tax is hereby imposed upon in-home services providers for the privilege of providing in-home services [under chapter 208, RSMo]. The tax is imposed upon payments received by an in-home services provider for the provision of in-home services [under chapter 208, RSMo].

2. For purposes of sections 660.425 to 660.465, the following terms shall mean:

(1) “Engaging in the business of providing in-home services”, all payments received by an in-home services provider for the provision of in-home services [under chapter 208, RSMo];

(2) “In-home services”, homemaker services, personal care services, chore services, respite services, consumer-directed services, and services, when provided in the individual's home and under a plan of care created by a physician, necessary to keep children out of hospitals. “In-home services” shall not include home health services as defined by federal and state law;

(3) “In-home services provider”, any provider or vendor, as defined in section 208.900, RSMo, of compensated in-home services [under chapter 208, RSMo], and under a provider agreement or contracted with the department of social services or the department of health and senior services.



660.430. 1. Each in-home services provider in this state providing in-home services [under chapter 208, RSMo,] shall, in addition to all other fees and taxes now required or paid, pay an in-home services gross receipts tax, not to exceed six and one-half percent of gross receipts, for the privilege of engaging in the business of providing in-home services in this state.

2. Each in-home services provider's tax shall be based on a formula set forth in rules promulgated by the department of social services. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.

This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. The director of the department of social services or the director's designee may prescribe the form and contents of any forms or other documents required by sections 660.425 to 660.465.

4. Notwithstanding any other provision of law to the contrary, appeals regarding the promulgation of rules under this section shall be made to the circuit court of Cole County. The circuit court of Cole County shall hear the matter as the court of original jurisdiction.

660.435. 1. For purposes of assessing the tax under sections 660.425 to 660.465, the department of health and senior services shall make available to the department of social services a list of all providers and vendors under this section.

2. Each in-home services provider subject to sections 660.425 to 660.465 shall keep such records as may be necessary to determine the total payments received for the provision of in-home services [under chapter 208, RSMo,] by the in-home services provider. Every in-home services provider shall submit to the department of social services a statement that accurately reflects such information as is necessary to determine such in-home services provider's tax due.

3. The director of the department of social services may prescribe the form and contents of any forms or other documents required by this section.

4. Each in-home services provider shall report the total payments received for the provision of in-home services [under chapter 208, RSMo,] to the department of social services.

660.445. 1. The determination of the amount of tax due shall be the total amount of payments reported to the department multiplied by the tax rate established by rule by the department of social services.

2. The department of social services shall notify each in-home services provider of the amount of tax due. Such amount may be paid in increments over the balance of the assessment period.

3. The department of social services may adjust the tax due quarterly on a prospective basis. The department of social services may adjust the tax due more frequently for individual providers if there is a substantial and statistically significant change in the in-home services provided or in the payments received for such services provided [under chapter 208, RSMo]. The department of social services may define such adjustment criteria by rule.

660.455. 1. The in-home services tax owed or, if an offset has been made, the balance after such offset,

if any, shall be remitted by the in-home services provider to the department of social services. The remittance shall be made payable to the director of the department of social services and shall be deposited in the state treasury to the credit of the “In-home Services Gross Receipts Tax Fund” which is hereby created to provide payments for in-home services provided [under chapter 208, RSMo]. All investment earnings of the fund shall be credited to the fund.

2. An offset authorized by section 660.450 or a payment to the in-home services gross receipts tax fund shall be accepted as payment of the obligation set forth in section 660.425.

3. The state treasurer shall maintain records showing the amount of money in the in-home services gross receipts tax fund at any time and the amount of investment earnings on such amount.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the in-home services gross receipts tax fund at the end of the biennium shall not revert to the credit of the general revenue fund.

660.460. 1. The department of social services shall notify each in-home services provider with a tax due of more than ninety days of the amount of such balance. If any in-home services provider fails to pay its in-home services tax within thirty days of such notice, the in-home services tax shall be delinquent.

2. If any tax imposed under sections 660.425 to 660.465 is unpaid and delinquent, the department of social services may proceed to enforce the state's lien against the property of the in-home services provider and compel the payment of such assessment in the circuit court having jurisdiction in the county where the in-home services provider is located. In addition, the department of social services may cancel or refuse to issue, extend, or reinstate a Medicaid provider agreement to any in-home services provider that fails to pay the tax imposed by section 660.425.

3. Failure to pay the tax imposed under section 660.425 shall be grounds for failure to renew a provider agreement for services [under chapter 208, RSMo,] or failure to renew a provider contract. The department of social services may revoke the provider agreement of any in-home services provider that fails to pay such tax, or notify the department of health and senior services to revoke the provider contract.

660.465. 1. The in-home services tax required by sections 660.425 to 660.465 shall expire:

(1) Ninety days after any one or more of the following conditions are met:

(a) The aggregate in-home services fee as appropriated by the general assembly paid to in-home services providers for in-home services provided [under chapter 208, RSMo,] is less than the fiscal year 2010 in-home services fees reimbursement amount; or

(b) The formula used to calculate the reimbursement as appropriated by the general assembly for in-home services provided is changed resulting in lower reimbursement to in-home services providers in the aggregate than provided in fiscal year 2010; or

(2) September 1, [2011] **2012**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection.

2. Sections 660.425 to 660.465 shall expire on September 1, [2011] **2012**.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 842, 799 & 809, Page 8, Line 14, by inserting after all of said line the following:

“208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as defined in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term “temporary leave of absence” shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

**(7) Diabetic education and initial diabetic management training services. Such services shall be limited to two visits for diabetic training that shall include an initial consultation and one follow-up visit;**

**(8)** Drugs and medicines when prescribed by a licensed physician, dentist, or podiatrist; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, or podiatrist may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

[(8)] **(9)** Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

[(9)] **(10)** Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

[(10)] **(11)** Home health care services;

[(11)] **(12)** Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in his professional judgment, the life of the mother would be endangered if the fetus were carried to term;

[(12)] **(13)** Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. 1396d, et seq.);

[(13)] **(14)** Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

[(14)] **(15)** Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198, RSMo, shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who

qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if her or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

**[(15)] (16) Mental health services.** The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097, RSMo. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

**[(16)] (17) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. 301, et seq.) subject to appropriation by the general assembly;**

[(17)] **(18)** Beginning July 1, 1990, the services of a certified pediatric or family nursing practitioner with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, RSMo, and regulations promulgated thereunder;

[(18)] **(19)** Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

[(19)] **(20)** Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

[(20)] **(21)** Hospice care. As used in this [subsection] **subdivision**, the term “hospice care” means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

[(21)] **(22)** Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care

and treatment guidelines consistent with national standards shall be used to verify medical need;

[(22)] **(23)** Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

[(23)] **(24)** The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of medical services, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010, RSMo;

(3) Optometric services as defined in section 336.010, RSMo;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subsection, the term “hospice care” means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section

536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (14) and (15) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, RSMo, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the Missouri MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be



eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a (a)(13)(C).

10. The MO HealthNet division, may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, RSMo, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178, RSMo, shall not be considered as income for purposes of determining eligibility under this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 842, 799 & 809, Page 10, Line 19 by deleting the year “**2012**” and inserting in lieu thereof the year “**2015**”; and

Further amend said Amendment, Page 10, Line 35, by inserting after the number “(2)” the following:

**“The department of health and senior services, in collaboration with other appropriate agencies, including centers for independent living, shall establish telephone tracking system pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall meet the requirements of this section and section 208.918. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of a telephone tracking system on the quality of the services delivered to the consumer and the principles of self-directed care.”** and renumber subsequent subsections accordingly; and

Further amend said Amendment, Page 11, Line 6 by inserting after all of said line the following:

**“6. The telephony report issued to the General Assembly and governor, in the event where consensus between centers for independent living and representatives from the executive branch cannot be convened, shall include a minority report which will detail those elements of substantial descent from the main report.**

**7. No interested party, including a center for independent living, shall be required to contract with any particular vendor or provider of telephony services nor bare the full cost of the pilot program.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4 TO  
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 842, 799 & 809, Page 9, Line 26, by inserting after all of said line the following:

**“4. The provisions of this section shall expire three years after the effective date of this section.”;**  
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, Section A, Page 1, Line 2, by inserting after all of said section and line the following:

“148.340. 1. Every insurance company or association not organized under the laws of this state, shall, as provided in section 148.350, quarterly pay tax upon the direct premiums received, whether in cash or in notes, in this state or on account of business done in this state, for insurance of life, property or interest in this state at the rate of two percent per annum in lieu of all other taxes, except as in sections 148.310 to 148.461 otherwise provided, which amount of taxes shall be assessed and collected as herein provided; provided, that fire and casualty insurance companies or associations shall be credited with canceled or return premiums actually paid during the year in this state, and that life insurance companies shall be credited with dividends actually declared to policyholders in this state, but held by the company and applied to the reduction of premiums payable by the policyholder.

**2. Every health maintenance organization under contract with the State of Missouri to provide services to recipients of medical assistance, not organized under the laws of this state, shall quarterly pay tax upon the direct premiums received, with such payment to be on the same terms as the insurance companies and associations described in subsection 1. Such tax shall be in addition to any other tax levied by the State. This subsection shall apply only as long as the revenues generated under this subsection are eligible for federal financial participation and payments. For the purposes of this subsection, “federal financial participation” is the federal government's share of Missouri's expenditures under the Medicaid program. This subsection shall expire June 30, 2012.**

148.350. 1. Every such company or association shall, on or before the first day of March in each year, make a return, verified by the affidavit of its president and secretary or other authorized officers, to the director of the department of insurance, financial institutions and professional registration stating the amount of all premiums received on account of policies issued in this state by such company, whether in cash or in notes, during the year ending on the thirty-first day of December, next preceding. Upon receipt of such returns, the director of the department of insurance, financial institutions and professional registration shall verify the same and certify the amount of tax due from the various companies on the basis and at the rate provided in section 148.340, and shall certify the same to the director of revenue together with the amount of the quarterly installments to be made as provided in subsection 2 of this section, on or before the thirtieth day of April of each year.

2. Beginning January 1, 1983, the amount of the tax due for that calendar year and each succeeding calendar year thereafter shall be paid in four approximately equal estimated quarterly installments and a fifth reconciling installment. The first four installments shall be based upon the tax assessed for the immediately

preceding taxable year ending on the thirty-first day of December, next preceding. The quarterly installment shall be made on the first day of March, the first day of June, the first day of September, and the first day of December. Immediately after receiving from the director of the department of insurance, financial institutions and professional registration, certification of the amount of tax due from the various companies, the director of revenue shall notify and assess each company the amount of taxes on its premiums for the calendar year ending on the thirty-first day of December, next preceding. The director of revenue shall also notify and assess each company the amount of the estimated quarterly installments to be made for the calendar year. If the amount of the actual tax due for any year exceeds the total of the installments made for such year, the balance of the tax due shall be paid on the first day of June of the following year, together with the regular quarterly installment due at that time. If the total amount of the tax actually due is less than the total amount of the installments actually paid, the amount by which the amount paid exceeds the amount due shall be credited against the tax for the following year and deducted from the quarterly installment otherwise due on the first day of June. If the March first quarterly installment made by a company is less than the amount assessed by the director of revenue, the difference will be due on June first, but no interest will accrue to the state on the difference unless the amount paid by the company is less than eighty percent of one-fourth of the total amount of tax assessed by the director of revenue for the immediately preceding taxable year. If the estimated quarterly tax installments are not so paid, the director of revenue shall certify such fact to the director of the department of insurance, financial institutions and professional registration who shall thereafter suspend such delinquent company or companies from the further transaction of business in this state until such taxes shall be paid, and such companies shall be subject to the provisions of sections 148.410 to 148.461.

**3. Except as provided in subsection 4,** upon receiving such money from the director of revenue, the state treasurer shall receipt one-half thereof into the general revenue fund of the state, and he shall place the remainder of such tax to the credit of a fund to be known as "The County Foreign Insurance Tax Fund", which is hereby created and established. All premium tax credits described in sections 135.500 to 135.529, RSMo, shall only reduce the amount of moneys received by the general revenue fund of this state and shall not reduce any moneys received by the county foreign insurance tax fund.

**4. Taxes collected from health maintenance organizations pursuant to 148.340.2 shall be deposited to the credit of the Managed Care Fund, which is hereby created and established in the state treasury.**

**5. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The unexpended balance in the Managed Care Fund at the end of the biennium is exempt from the provisions of section 33.080, RSMo. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

148.370. 1. Every insurance company or association organized under the laws of the state of Missouri and doing business under the provisions of sections 376.010 to 376.670, 379.205 to 379.310, 379.650 to 379.790 and chapter 381, RSMo, and every mutual fire insurance company organized under the provisions of sections 379.010 to 379.190, RSMo, shall, as hereinafter provided, quarterly pay, beginning with the year 1983, a tax upon the direct premiums received by it from policyholders in this state, whether in cash or in notes, or on account of business done in this state, in lieu of the taxes imposed under the provisions of chapters 143 and 147, RSMo, for insurance of life, property or interest in this state, at the rate of two percent per annum, which amount of taxes shall be assessed and collected as hereinafter provided; provided, that fire and casualty insurance companies or associations shall be credited with canceled or returned premiums

actually paid during the year in this state, and that life insurance companies shall be credited with dividends actually declared to policyholders in this state but held by the company and applied to the reduction of premiums payable by the policyholder.

**2. Every health maintenance organization organized under the laws of this State, that is under contract with the State of Missouri to provide services to recipients of medical assistance shall quarterly pay tax upon the direct premiums received, with such payment to be on the same terms as the insurance companies and associations described in subsection 1. Such tax shall be in addition to any other tax levied by the State. This subsection shall apply only as long as the revenues generated under this subsection are eligible for federal financial participation and payments. For the purposes of this subsection, “federal financial participation” is the federal government's share of Missouri's expenditures under the Medicaid program. This subsection shall expire June 30, 2012.**

148.380. 1. Every such company, on or before the first day of March in each year, shall make a return verified by the affidavit of its president and secretary, or other chief officers, to the director of the department of insurance, financial institutions and professional registration, stating the amount of all direct premiums received by it from policyholders in this state, whether in cash or in notes, during the year ending on the thirty-first day of December, next preceding. Upon receipt of such returns the director of the department of insurance, financial institutions and professional registration shall verify the same and certify the amount of the tax due from the various companies on the basis and\* at the rate provided in section 148.370, taking into consideration deductions and credits allowed by law, and shall certify the same to the director of revenue together with the amount of the quarterly installments to be made as provided in subsection 2 of this section, on or before the thirtieth day of April of each year.

2. Beginning January 1, 1983, the amount of the tax due for that calendar year and each succeeding calendar year thereafter shall be paid in four approximately equal estimated quarterly installments, and a fifth reconciling installment. The first four installments shall be based upon the tax for the immediately\*\* preceding taxable year ending on the thirty-first day of December, next preceding. The quarterly installments shall be made on the first day of March, the first day of June, the first day of September and the first day of December. Immediately after receiving certification from the director of the department of insurance, financial institutions and professional registration of the amount of tax due from the various companies, the director of revenue shall notify and assess each company the amount of taxes on its premiums for the calendar year ending on the thirty-first day of December, next preceding. The director of revenue shall also notify and assess each company the amount of the estimated quarterly installments to be made for the calendar year. If the amount of the actual tax due for any year exceeds the total of the installments made for such year, the balance of the tax due shall be paid on the first day of June of the year following, together with the regular quarterly payment due at that time. If the total amount of the tax actually due is less than the total amount of the installments actually paid, the amount by which the amount paid exceeds the amount due shall be credited against the tax for the following year and deducted from the quarterly installment otherwise due on the first day of June. If the March first quarterly installment made by a company is less than the amount assessed by the director of revenue, the difference will be due on June first, but no interest will accrue to the state on the difference unless the amount paid by the company is less than eighty percent of one-fourth of the total amount of tax assessed by the director of revenue for the immediately preceding taxable year.

3. If the estimated quarterly tax installments are not so paid, the director of revenue shall notify the director of the department of insurance, financial institutions and professional registration who shall

thereupon suspend such delinquent company from the further transaction of business in this state until such taxes shall be paid, and such companies shall be subject to the provisions of sections 148.410 to 148.461.

4. **Except as provided in subsection 5**, upon receipt of the money the state treasurer shall receipt one-half thereof into the general revenue fund of the state, and one-half thereof to the credit of the county foreign insurance fund for the purposes set forth in section 148.360.

**5. Taxes collected from health maintenance organizations pursuant to 148.370.2 shall be to the credit of the Managed Care Fund, established under 148.350 RSMo.**

208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly

grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of this subsection shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand dollars; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of which he or she is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the division of family services and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, "burial lots" means any burial space as defined in section 214.270, RSMo, and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, RSMo, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest cancel or amend the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri up to the amount of public assistance benefits provided pursuant to this chapter with any remainder to be paid to those persons designated in chapter 436, RSMo.

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

(1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living. If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except **for hospital outpatient services or** the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

12. An institutionalized spouse applying for Medicaid and having a spouse living in the community shall be required, to the maximum extent permitted by law, to divert income to such community spouse to raise the community spouse's income to the level of the minimum monthly needs allowance, as described in 42 U.S.C. Section 1396r-5. Such diversion of income shall occur before the community spouse is allowed to retain assets in excess of the community spouse protected amount described in 42 U.S.C. Section 1396r-5."; and

Further amend said Bill, Section 208.215, Page 8, Line 258, by inserting after all of said Section and Line the following:

"208.453. Every hospital as defined by section 197.020, RSMo, except [public hospitals which are operated primarily for the care and treatment of mental disorders and] any hospital operated by the department of health and senior services, shall, in addition to all other fees and taxes now required or paid, pay a federal reimbursement allowance for the privilege of engaging in the business of providing inpatient health care in this state. For the purpose of this section, the phrase "engaging in the business of providing inpatient health care in this state" shall mean accepting payment for inpatient services rendered. The federal



reimbursement allowance to be paid by a hospital which has an unsponsored care ratio that exceeds sixty-five percent or hospitals owned or operated by the board of curators, as defined in chapter 172, RSMo, may be eliminated by the director of the department of social services. The unsponsored care ratio shall be calculated by the department of social services.

208.895. 1. Upon receipt of a properly completed referral for MO HealthNet-funded home- and community-based care containing a nurse assessment or physician's order, the department of health and senior services [shall] **may**:

(1) Review the recommendations regarding services and process the referral within fifteen business days;

(2) Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3) Arrange for the provision of services by an in-home provider;

(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6) Notify the referring entity within five business days of receiving the referral if additional information is required to process the referral; and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days.

**2. The department of health and senior services may contract for initial home and community based assessments, including a care plan, through an independent third-party assessor. The contract shall include a requirement that:**

**(1) Within fifteen days of receipt of a referral for service, the contractor shall have made an assessment of care need and developed a plan of care; and**

**(2) The contractor notify the referring entity within five days of receipt of referral if additional information is needed to process the referral.**

**The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract.**

**3. The two nurse visits authorized by section 660.300.16, RSMo shall continue to be performed by home and community based providers for including, but not limited to, reassessment and level of care recommendations. These reassessments and care plan changes shall be reviewed and approved by the independent third party assessor. In the event of dispute over the level of care required, the**

**third party assessor will conduct a face to face review with the client in question.**

208.909. 1. Consumers receiving personal care assistance services shall be responsible for:

- (1) Supervising their personal care attendant;
- (2) Verifying wages to be paid to the personal care attendant;
- (3) Preparing and submitting time sheets, signed by both the consumer and personal care attendant, to the vendor on a biweekly basis;
- (4) Promptly notifying the department within ten days of any changes in circumstances affecting the personal care assistance services plan or in the consumer's place of residence; [and]
- (5) Reporting any problems resulting from the quality of services rendered by the personal care attendant to the vendor. If the consumer is unable to resolve any problems resulting from the quality of service rendered by the personal care attendant with the vendor, the consumer shall report the situation to the department; **and**

**(6) Providing the vendor with all necessary information to complete required paperwork for establishing the employer identification number.**

2. Participating vendors shall be responsible for:

- (1) Collecting time sheets **or reviewing reports of delivered services** and certifying [their] the accuracy **thereof**;
- (2) The Medicaid reimbursement process, including the filing of claims and reporting data to the department as required by rule;
- (3) Transmitting the individual payment directly to the personal care attendant on behalf of the consumer;
- (4) Monitoring the performance of the personal care assistance services plan.

3. No state or federal financial assistance shall be authorized or expended to pay for services provided to a consumer under sections 208.900 to 208.927, if the primary benefit of the services is to the household unit, or is a household task that the members of the consumer's household may reasonably be expected to share or do for one another when they live in the same household, unless such service is above and beyond typical activities household members may reasonably provide for another household member without a disability.

4. No state or federal financial assistance shall be authorized or expended to pay for personal care assistance services provided by a personal care attendant who is listed on any of the background check lists in the family care safety registry under sections 210.900 to 210.937, RSMo, unless a good cause waiver is first obtained from the department in accordance with section 660.317, RSMo.

**5. (1) All vendors shall, by July 1, 2012, have, maintain, and use a telephone tracking system for the purpose of reporting and verifying the delivery of consumer-directed services as authorized by the department of health and senior services or its designee. Use of such a system prior to July 1, 2012, shall be voluntary. The telephone tracking system shall be used to process payroll for employees and for submitting claims for reimbursement to the MO HealthNet division. At a minimum, the telephone tracking system shall:**

- (a) Record the exact date services are delivered;
- (b) Record the exact time the services begin and exact time the services end;
- (c) Verify the telephone number from which the services are registered;
- (d) Verify that the number from which the call is placed is a telephone number unique to the client;
- (e) Require a personal identification number unique to each personal care attendant; and
- (f) Be capable of producing reports of services delivered, tasks performed, client identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service;
- (g) Be capable of producing reimbursement requests for consumer approval that assures accuracy and compliance with program expectations for both the consumer and vendor.

(2) As new technology becomes available, the department may allow use of a more advanced tracking system, provided that such system is at least as capable of meeting the requirements of this subsection.

(3) The department of health and senior services shall promulgate by rule the minimum necessary criteria of the telephone tracking system. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

208.918. 1. In order to qualify for an agreement with the department, the vendor shall have a philosophy that promotes the consumer's ability to live independently in the most integrated setting or the maximum community inclusion of persons with physical disabilities, and shall demonstrate the ability to provide, directly or through contract, the following services:

- (1) Orientation of consumers concerning the responsibilities of being an employer, supervision of personal care attendants including the preparation and verification of time sheets;
- (2) Training for consumers about the recruitment and training of personal care attendants;
- (3) Maintenance of a list of persons eligible to be a personal care attendant;
- (4) Processing of inquiries and problems received from consumers and personal care attendants;
- (5) Ensuring the personal care attendants are registered with the family care safety registry as provided in sections 210.900 to 210.937, RSMo; and
- (6) The capacity to provide fiscal conduit services **through a telephone tracking system by the date required under section 208.909.**

2. In order to maintain its agreement with the department, a vendor shall comply with the provisions of subsection 1 of this section and shall:

- (1) Demonstrate sound fiscal management as evidenced on accurate quarterly financial reports and

annual audit submitted to the department; and

(2) Demonstrate a positive impact on consumer outcomes regarding the provision of personal care assistance services as evidenced on accurate quarterly and annual service reports submitted to the department;

(3) Implement a quality assurance and supervision process that ensures program compliance and accuracy of records; and

(4) Comply with all provisions of sections 208.900 to 208.927, and the regulations promulgated thereunder.

**660.023. 1. All in-home services provider agencies shall, by July 1, 2012, have, maintain, and use a telephone tracking system for the purpose of reporting and verifying the delivery of home and community based services as authorized by the department of health and senior services or its designee. Use of such system prior to July 1, 2012, shall be voluntary. At a minimum, the telephone tracking system shall:**

**(1) Record the exact date services are delivered;**

**(2) Record the exact time the services begin and exact time the services end;**

**(3) Verify the telephone number from which the services were registered;**

**(4) Verify that the number from which the call is placed is a telephone number unique to the client;**

**(5) Require a personal identification number unique to each personal care attendant; and**

**(6) Be capable of producing reports of services delivered, tasks performed, client identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service.**

**2. The telephone tracking system shall be used to process payroll for employees and for submitting claims for reimbursement to the MO HealthNet division.**

**3. The department of health and senior services shall promulgate by rule the minimum necessary criteria of the telephone tracking system. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**

**4. As new technology becomes available, the department may allow use of a more advance tracking system, provided that such system is at least as capable of meeting the requirements listed in subsection 1 of this section.**

**660.300. 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in**

examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department. If the report is made by a physician of the in-home services client, the department shall maintain contact with the physician regarding the progress of the investigation.

2. When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.

3. If requested, local area agencies on aging shall provide volunteer training to those persons listed in subsection 1 of this section regarding the detection and report of abuse and neglect pursuant to this section.

4. Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

5. The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, the home health agency, the home health agency employee, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

6. In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client or home health patient has been abused or neglected by an in-home services employee or home health agency employee may report such information to the department.

7. If the investigation indicates possible abuse or neglect of an in-home services client or home health patient, the investigator shall refer the complaint together with his or her report to the department director or his or her designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate action is necessary to protect the in-home services client or home health patient from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the in-home services client or home health patient in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the in-home services client or home health patient, for a period not to exceed thirty days.

8. Reports shall be confidential, as provided under section 660.320.

9. Anyone, except any person who has abused or neglected an in-home services client or home health patient, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a

report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

10. Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

11. No person who directs or exercises any authority in an in-home services provider agency or home health agency shall harass, dismiss or retaliate against an in-home services client or home health patient, or an in-home services employee or a home health agency employee because he or any member of his or her family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency or home health agency or any in-home services employee or home health agency employee which he has reasonable cause to believe has been committed or has occurred.

12. Any person who abuses or neglects an in-home services client or home health patient is subject to criminal prosecution under section 565.180, 565.182, or 565.184, RSMo. If such person is an in-home services employee and has been found guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by such employee to the department, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621, RSMo. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term "violation" means a determination of guilt by a court.

13. The department shall establish a quality assurance and supervision process for clients that requires an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.

14. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section 660.315, to have recklessly, knowingly or purposely abused or neglected an in-home services client or home health patient while employed by an in-home services provider agency or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

15. At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a "Safe at Home Evaluation" to determine the client's physical, mental, and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536, RSMo. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The

department may authorize the licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care.

The department may, as indicated by the safe at home evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

16. Authorized nurse visits shall occur at least twice annually to assess the client and the client's plan of services. The provider nurse shall report the results of his or her visits to the client's case manager. If the provider nurse believes that the plan of service requires alteration, the department shall be notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been preauthorized by the department.

17. All in-home services clients shall be advised of their rights by the department **or the department's designee** at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. **The department may contract for services relating to receiving such complaints.** The department shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and neglect hotline.

18. Subject to appropriations, all nurse visits authorized in sections 660.250 to 660.300 shall be reimbursed to the in-home services provider agency.

Section B. Because immediate action is necessary to preserve state services, the repeal and reenactment of sections 148.340, 148.350, 148.370, 148.380, 208.010, and 208.453 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 148.340, 148.350, 148.370, and 148.380 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, Page 8, Section 208.215, Line 258, by inserting after all of said the following:

**“Section 1. No contract between a health carrier or health benefit plan, and a dentist for the provision of dental services under a dental plan shall require that the dentist provide dental services to an insured in the dental plan at a fee established by the health carrier or health benefit plan if such dental services are not covered services under the dental plan.**

**2. For purposes of this section, the following terms shall mean:**

**(1) “Covered services”, services reimbursable under an applicable dental plan, subject to such contractual limitations on benefits as may apply, including but not limited to deductibles, waiter periods, or frequency limitations;**

**(2) “Dental Plan”, any policy or contract of insurance which provides for coverage of dental**

services;

(3) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;

(4) “Health carrier”, the same meaning as such term is defined in section 376.1350.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 and 809, Page 8, Section 208.215, Line 258, by inserting after all of said line:

**“Section 1. 1. For each school year beginning July 1, 2010, the department of social services shall provide all state licensed child-care providers who receive state or federal funds under section 210.027 and all public school districts in this state with written information regarding eligibility criteria and application procedures for the state children's health insurance program (SCHIP) authorized in sections 208.631 to 208.657, to be distributed by the child-care providers or school districts to parents and guardians at the time of enrollment of their children in child-care or school, as applicable.**

**2. The department of elementary and secondary education shall add an attachment to the application for the free and reduced lunch program for a parent or guardian to check a box indicating yes or no whether each child in the family has health care insurance. If any such child does not have health care insurance, and the parent or guardian's household income does not exceed the highest income level under 42 U.S.C. Section 1397CC, as amended, the school district shall provide a notice to such parent or guardian that the uninsured child may qualify for health insurance under SCHIP.**

**3. The notice described in subsection 2 shall be developed by the department of social services and shall include information on enrolling the child in the program. No notices relating to the state children's health insurance program shall be provided to a parent or guardian under this section other than the notices developed by the department of social services under this section.**

**4. Notwithstanding any other provision of law to the contrary, no penalty shall be assessed upon any parent or guardian who fails to provide or provides any inaccurate information required under this section.**

**5. The department of elementary and secondary education and the department of social services may adopt rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**

**6. The department of elementary and secondary education, in collaboration with the department of social services, shall report annually to the governor and the house budget committee chair and the senate appropriations committee chair on the following:**

**(1) The number of families in each district receiving free lunch and reduced lunches;**

**(2) The number of families who indicate the absence of health care insurance on the application**



**for free and reduced lunches;**

**(3) The number of families who received information on the state children's health insurance program under this section; and**

**(4) The number of families who received the information in subdivision (3) of this subsection and applied to the state children's health insurance program.**

Section B. Because immediate action is necessary to ensure the health of a vulnerable population and to synchronize the issuance of information with the beginning of the school year, the enactment of Section 1 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of Section 1 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 754**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 605**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 733**, as amended, and grants the Senate a conference thereon.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 605**, as amended: Senators Mayer, Crowell, Vogel, Shoemyer and Callahan.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 733**, as amended: Senators Pearce, Rupp, Schaefer, Days and Barnitz.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 754**, as amended: Senators Dempsey, Scott, Pearce, Justus and Callahan.

### **RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 2438, regarding the Twentieth Anniversary of Nordenia

USA, Jackson, which was adopted.

Senator Green offered Senate Resolution No. 2439, regarding Ross Christian Carter, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2440, regarding Denny Terschluse, which was adopted.

Senator Lager offered Senate Resolution No. 2441, regarding Zach Parks, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 2442, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. C.W. Gardner, Breckenridge, which was adopted.

Senator Engler offered Senate Resolution No. 2443, regarding Don Young, which was adopted.

Senator Engler offered Senate Resolution No. 2444, regarding Jacqueline Hand-Dennis, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 2445, regarding Leslie E. Cash, Leadwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 2446, regarding the Seventy-fifth Anniversary of St. Agnes Home, Kirkwood, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Raymond F. Mohrman, M.D., St. Louis.

Senator Champion introduced to the Senate, Debbie Donnellan, Lolita Albers, Linda Allen, Emily Furtak, Jennifer Jenson, Barb Jones, Karolyn Kime, Phillip McCart, Lisa McEowen, Steve Mills, Sheila Morris, Pat O'Neill, Sarah O'Quinn, Terry Plank and Dave Yurchak members of Missouri State University Staff Ambassadors.

Senator Rupp introduced to the Senate, Charlie Thrash.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Thursday, May 6, 2010.

### **SENATE CALENDAR**

---

**SIXTY-FIFTH DAY—THURSDAY, MAY 6, 2010**

---

### **FORMAL CALENDAR**

#### **THIRD READING OF SENATE BILLS**

SB 627-Justus (In Fiscal Oversight)

SJR 20-Bartle (In Fiscal Oversight)

SB 779-Bartle (In Fiscal Oversight)

SCS for SB 944-Shields (In Fiscal Oversight)

SCS for SB 622-Shoemyer (In Fiscal Oversight)

SS for SB 1057-Shields (In Fiscal Oversight)

SCS for SB 969-Keaveny

## HOUSE BILLS ON THIRD READING

HCS for HB 1675, with SCS (Ridgeway)  
(In Fiscal Oversight)

HJR 76-Dethrow, et al, with SCS  
(Purgason) (In Fiscal Oversight)

HCS#2 for HBs 1692, 1209, 1405, 1499,  
1535 & 1811, with SCS (Cunningham)  
(In Fiscal Oversight)

HCS for HBs 1311 & 1341, with SCS  
(Rupp) (In Fiscal Oversight)

HCS for HB 1497 (Goodman)  
(In Fiscal Oversight)

HCS for HBs 1695, 1742 & 1674, with SCS  
(Schaefer) (In Fiscal Oversight)

HCS for HB 1316, with SCS (Nodler)  
(In Fiscal Oversight)

HCS#2 for HB 1543, with SCS (Pearce)  
(In Fiscal Oversight)

HB 1802-Gatschenberger, with SCS (Rupp)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham  
(In Fiscal Oversight)

SCS for SB 826-Griesheimer  
SB 1001-Griesheimer

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
SB 587-Nodler and Cunningham, with  
SCS & SA 1 (pending)  
SB 596-Callahan, with SCS (pending)  
SB 606-Stouffer  
SBs 607, 602, 615 & 725-Stouffer,  
with SCS & SA 1 (pending)  
SB 639-Schmitt, with SCS & SS for SCS  
(pending)  
SB 643-Keaveny, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 698-Griesheimer, with SCS,  
SS for SCS & SA 1 (pending)  
SB 705-Griesheimer  
SB 738-Crowell, with SCS  
SB 747-Rupp, et al, with SA 1 (pending)  
SB 784-Schaefer and Pearce  
SB 792-Dempsey and Rupp, with SS  
(pending)  
SB 797-Green

SB 810-Lager, with SCS  
SB 818-Lembke, with SCS, SS for SCS  
& SA 1 (pending)  
SB 839-Wright-Jones, with SCS  
SB 852-Lager, et al, with SS, SA 1  
& SSA 1 for SA 1 (pending)  
SB 868-Shields  
SB 878-Lembke, with SCS & SS for SCS  
(pending)  
SBs 880, 780 & 836-Schaefer, with SCS,  
SS for SCS & SA 1 (pending)  
SBs 895, 813, 911, 924, 922 &  
802-Dempsey, et al, with SCS, SS for  
SCS, SA 1, SSA 1 for SA 1 & SA 1 to  
SSA 1 for SA 1 (pending)  
SB 896-Shields and Crowell, with SA 1  
(pending)  
SB 905-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 999-Schaefer

SB 1016-Mayer, with SCS  
SB 1017-Mayer, with SCS (pending)  
SB 1060-Bartle, with SCS  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS,  
SS#2 for SCS & SA 5 (pending)  
SJR 29-Purgason and Cunningham, with  
SCS, SS#2 for SCS & SA 1 (pending)

SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1 (pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

#### HOUSE BILLS ON THIRD READING

HCS for HB 1290, with SCS, SS#2 for SCS,  
SA 14 & SA 1 to SA 14 (pending)  
(Griesheimer)  
HCS for HB 1375, with SCS (Justus)  
SS for HCS for HBs 1408 & 1514 (Lembke)  
(In Fiscal Oversight)  
HB 1424-Franz, with SCS (pending)  
(McKenna)  
HCS for HB 1446, with SCS (Pearce)  
HCS for HB 1541, with SCS (Goodman)  
HB 1559-Brown (30) (Shields)  
HB 1595-Dugger, et al (Purgason)  
HB 1609-Diehl, with SCS & SS#2 for SCS  
(pending) (Bartle)  
HB 1842-Wilson (130) (Goodman)  
SCS for HB 1868-Scharnhorst (Shields)  
(In Fiscal Oversight)  
HCS for HB 1893, with SS & SA 2  
(pending) (Dempsey)

HB 1894-Bringer (Bray)  
(In Fiscal Oversight)  
SCS for HCS for HB 1965 (Cunningham)  
(In Fiscal Oversight)  
HCS for HB 2016, with SCS (Mayer)  
HCS for HB 2048, with SCS (Lager)  
HCS for HB 2070 (Schaefer)  
HB 2109-Ruzicka, with SCS (Lager)  
SS for SCS for HB 2111-Faith, et al  
(Stouffer) (In Fiscal Oversight)  
SCS for HB 2226, HB 1824, HB 1832  
& HB 1990 (Scott) (In Fiscal Oversight)  
HB 2285-Thomson, with SCS (Lager)  
SS for HCS for HB 2357 (Crowell)  
(In Fiscal Oversight)  
HCS for HJR 86, with SCS & SS for SCS  
(pending) (Stouffer)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 630-Cunningham, with  
HA 1 & HA 2  
SCS for SB 644-Shields, with HA 1,  
HA 2 & HA 3  
SB 773-Dempsey, with HA 1

SB 795-Mayer and Nodler, with HCS,  
as amended  
SCS for SBs 842, 799 & 809-Schmitt,  
with HCS, as amended  
SCS for SB 942-Rupp, with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 605-Mayer, with HCS,  
as amended

SCS for SB 733-Pearce, with HCS,  
as amended

SCS for SB 754-Dempsey, with HCS, as amended

HB 1442-Jones (89), et al, with SS for SCS,  
as amended (Nodler)

HCS for HB 2297, with SCS, as amended  
(Wilson)

Requests to Recede or Grant Conference

SB 987-Stouffer, with HCS, as amended  
(Senate requests House  
recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer

HCS for HCRs 34 & 35 (Schmitt)  
SR 1744-Shields  
SCR 57-Ridgeway

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-FIFTH DAY—THURSDAY, MAY 6, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“When I worship, I would rather my heart be without words than my words be without heart.” (Lamar Boschman)

Almighty God, as we complete our work here this week we do so knowing that You have helped us all along the way and we give You thanks and praise for it. We pray that our words may have our heart in them and that we share such words with those we love. May we have rest and be in Your house of prayer, refreshed and ready for what You have in store for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Engler offered Senate Resolution No. 2447, regarding Devin M. Asher, Banner, which was

adopted.

Senator Engler offered Senate Resolution No. 2448, regarding Mary Beth Petry, which was adopted.

Senator Engler offered Senate Resolution No. 2449, regarding Sharon Theresa Charleville, which was adopted.

Senator Engler offered Senate Resolution No. 2450, regarding David Guemmer, which was adopted.

Senator Barnitz offered Senate Resolution No. 2451, regarding Mandi Leigh Scheulen, which was adopted.

Senator Barnitz offered Senate Resolution No. 2452, regarding John Scheppers, which was adopted.

Senator Justus offered Senate Resolution No. 2453, regarding Kristin Bail, Camdenton, which was adopted.

### **HOUSE BILLS ON THIRD READING**

**HCS for HB 2016**, with **SCS**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2010 and ending June 30, 2011.

Was called from the Informal Calendar and taken up by Senator Mayer.

**SCS for HCS for HB 2016**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2016**

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS for HCS for HB 2016** be adopted, which motion prevailed.

President Pro Tem Shields assumed the Chair.

On motion of Senator Mayer, **SCS for HCS for HB 2016** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—31	

NAYS—Senator Crowell—1

Absent—Senator Vogel—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

Senator Bartle moved that **HB 1609**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS No. 2** for **SCS** for **HB 1609**, as amended, was again taken up.

Senator Rupp offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 10, Section 193.255, Line 27 of said page, by inserting after all of said line the following:

**“210.265. 1. Any individual who is a child care provider exempt from the licensure requirements under subdivision (1) of subsection 1 of section 210.211 providing care in a child care facility as defined under subdivision (2) of section 210.201, with pending criminal charges against such individual relating to a crime against a child or children, shall not continue to provide child care services for compensation in this state pending a resolution of such criminal charges in favor of the individual. Any individual who is a child care provider in violation of this section is guilty of a class B misdemeanor. Any second or subsequent violation of this section is a class A misdemeanor.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 15,



Section 211.031, Line 13 of said page, by inserting after all of said line the following:

“374.702. 1. No person shall engage in the bail bond business as a bail bond agent or a general bail bond agent without being licensed as provided in sections 374.695 to 374.775.

2. No judge, attorney, court official, law enforcement officer, **or** state, county, or municipal employee who is either elected or appointed shall be licensed as a bail bond agent or a general bail bond agent. **No employee, contractor, or volunteer of a court or law enforcement agency, or anyone employed at the location of a jail, shall be licensed as a bail bond agent or general bail bond agent. The provisions of this subsection shall not apply to an attorney whose license status is inactive.**

3. A licensed bail bond agent shall not execute or issue an appearance bond in this state without holding a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail bond agent [or] **and** insurer. **The power of attorney shall be in the form and manner prescribed by the director.**

4. A person licensed as an active bail bond agent shall hold the license for at least [two] **four** years prior to owning or being an officer of a licensed general bail bond agent.

5. **A corporation, partnership, association, limited liability company, limited liability partnership, or other legal entity shall not apply for a general bail bond agent license unless operating as a surety bail bond agent.**

6. A general bail bond agent shall not engage in the bail bond business:

(1) Without having been licensed as a general bail bond agent pursuant to sections 374.695 to 374.775;  
or

(2) Except through an agent licensed as a bail bond agent pursuant to sections 374.695 to 374.775.

[6.] 7. A general bail bond agent shall not permit any unlicensed person to solicit or engage in the bail bond business on the general bail bond agent’s behalf, except for individuals who are employed solely for the performance of clerical, stenographic, investigative, or other administrative duties which do not require a license pursuant to sections 374.695 to 374.789.

[7.] 8. Any person who is convicted of a violation of this section is guilty of a class A misdemeanor. For any subsequent convictions, a person who is convicted of a violation of this section is guilty of a class D felony.

374.705. 1. The department shall administer and enforce the provisions of sections 374.695 to 374.789, prescribe the duties of its officers and employees with respect to sections 374.695 to 374.789, and promulgate, pursuant to section 374.045 and chapter 536, RSMo, such rules and regulations within the scope and purview of the provisions of sections 374.695 to 374.789 as the director considers necessary and proper for the effective administration and interpretation of the provisions of sections 374.695 to 374.789.

2. The director shall set the amount of all fees authorized and required by the provisions of sections 374.695 to 374.789 by rules and regulations promulgated pursuant to chapter 536, RSMo. All such fees shall be set at a level designed to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 374.695 to 374.789. However, such fees shall not exceed [one] **three** hundred [fifty] dollars every two years for biennial licenses and renewable licenses for general bail bond agents as provided for in section 374.710. **Fees for filing quarterly financial statements shall not exceed fifty dollars per filing.**

374.710. 1. Except as otherwise provided in sections 374.695 to 374.775, no person or other entity shall practice as a bail bond agent or general bail bond agent, as defined in section 374.700, in Missouri unless and until the department has issued to him or her a license, to be renewed every two years as hereinafter provided, to practice as a bail bond agent or general bail bond agent.

2. An applicant for a bail bond and general bail bond agent license shall submit with the application proof that he or she has received [twenty-four] **forty** hours of initial basic training in areas of instruction in subjects determined by the director deemed appropriate to professionals in the bail bond profession. Bail bond agents and general bail bond agents who are licensed at the date which this act becomes law shall be exempt from such [twenty-four] **forty** hours of initial basic training.

3. In addition to the [twenty-four] **forty** hours of initial basic training to become a bail bond agent or general bail bond agent, there shall be eight hours of biennial continuing education for all bail bond agents and general bail bond agents to maintain their state license. The director shall determine said appropriate areas of instruction for said biennial continuing education. The director shall determine which institutions, organizations, associations, and individuals shall be eligible to provide the initial basic training and the biennial continuing education instruction. The department may allow state institutions, organizations, associations, or individuals to provide courses for the initial basic training and the biennial continuing education training. [The cost shall not exceed two hundred dollars for the initial basic training and one hundred fifty dollars for biennial continuing education.]

4. Upon completion of said basic training or biennial continuing education and the licensee meeting the other requirements as provided under sections 374.695 to 374.789, the director shall issue a two-year license for the bail bond agent or general bail bond agent for a fee not to exceed [one] **three** hundred [fifty] dollars.

5. Nothing in sections 374.695 to 374.775 shall be construed to prohibit any person from posting or otherwise providing a bail bond in connection with any legal proceeding, provided that such person receives no fee, remuneration or consideration therefor.

374.715. 1. Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, has a high school diploma or general education development certificate (GED), is of good moral character, and [meets the qualifications for surety on bail bonds as provided by supreme court rule] **has not had a final adjudication or a plea of guilty or nolo contendere in a criminal prosecution under any state or federal law for a felony or a crime involving moral turpitude.** Each application shall be accompanied by the examination and application fee set by the department. Individuals currently employed as bail bond agents and general bail bond agents shall not be required to meet the education requirements needed for licensure pursuant to this section. **The requirement to not have a final adjudication or a plea of guilty or nolo contendere in a criminal prosecution under any state or federal law for a felony or a crime involving moral turpitude shall not apply to bail bond agents and general bail bond agents who are licensed on or before August 28, 2010.**

2. In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant or, if the applicant is a corporation, **partnership, association, limited liability company, limited liability partnership, or other legal entity**, that each officer thereof has completed at least [two] **four** years as a bail bond agent, and that the applicant [possesses liquid] **has**

**transferred to and deposited with the department, for the security of its outstanding surety bond obligations,** assets of at least ten thousand dollars[, along with a duly executed assignment of ten thousand dollars to the state of Missouri. The assignment shall become effective upon the applicant's violating any provision of sections 374.695 to 374.789. The assignment required by this section shall be in the form and executed in the manner prescribed by the department] **in the financial institution of the department's choosing. Such deposits shall be in the form of cash, certificates of deposit, bonds, or treasury notes issued by the United States, bonds of the state of Missouri, or bonds of any school district or political subdivision of this state, and in all cases not to be received at a rate above their par value, nor above their current market value.** The director may require by regulation conditions by which additional [assignments of] assets of the general bail bond agent may [occur] **be required** when the circumstances of the business of the general bail bond agent [warrants] **warrant** additional funds. However, such additional funds shall not exceed [twenty-five] **fifty** thousand dollars.

374.716. 1. Every bail bond agent shall account for each power of attorney assigned by the general bail bond agent on a weekly basis and remit all sums collected and owed to the general bail bond agent pursuant to his or her written contract. The general bail bond agent shall maintain the weekly accounting and remittance records for a period of three years. Such records shall be subject to inspection by the director or his or her designee during regular business hours or at other reasonable times.

2. For every bond written in this state, the [licensee] **general bail bond agent** shall provide to the [principal] **parties** a copy of the bail contract **and receipts for any funds paid.**

**3. For every bond written in this state in which the premium is financed by the licensee, the licensee shall provide, in writing, to all parties of the contract the following:**

- (1) The bond amount;**
- (2) The premium amount agreed to by all parties;**
- (3) The terms of the financial agreement;**
- (4) A receipt for the acceptance of any money; and**
- (5) The date and signatures of all parties to the contract.**

374.720. 1. Each applicant for licensure as a general bail bond agent, after complying with this section and the provisions of section 374.715, shall [be issued a license by the department unless grounds exist under section 374.755 for denial of a license] **appear for examination at the time and place specified by the department. Such examination shall be prescribed by the director as provided under section 375.018 and shall be designed to test the applicant's knowledge and expertise in the area of surety bonds in general and the practice of a general bail bond agent, as defined in sections 374.700 to 374.775, in particular. The applicant shall be notified of the result of the examination within twenty working days of the examination. Any applicant who fails such examination may, upon reapplication and payment of the reexamination fee set by the department, retake the examination.**

2. Each applicant for examination and licensure as a bail bond agent, after complying with the provisions of section 374.715, shall appear for examination at the time and place specified by the department. Such examination shall be as prescribed by the director as provided under section 375.018, RSMo, and shall be designed to test the applicant's knowledge and expertise in the area of surety bonds in general and the practice of a bail bond agent, as defined in sections 374.700 to 374.775, in particular. The

applicant shall be notified of the result of the examination within twenty working days of the examination. Any applicant who fails such examination may, upon reapplication and payment of the reexamination fee set by the department, retake the examination.

374.730. **1.** All licenses issued to bail bond agents and general bail bond agents under the provisions of sections 374.700 to 374.775 shall be renewed biennially, which renewal shall be in the form and manner prescribed by the department and shall be accompanied by the renewal fee set by the department.

**2.** The department shall provide the director of the department of revenue with the name and social security number of each:

**(1)** Bail bond agent, general bail bond agent, or surety recovery agent applicant for licensure within one month of the date the application is filed; and

**(2)** Bail bond agent, general bail bond agent, or surety recovery agent licensee applying for renewal at least one month prior to the anticipated renewal of the bail bond agent's, general bail bond agent's, or surety recovery agent's license.

**The director of the department of revenue shall verify if the applicant or licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years. If such information is verified, the director of the department of revenue shall send notice to the department and the licensee or applicant. In the case of such delinquency or failure to file, the application shall be denied or the license shall not be renewed within ninety days after notice of such delinquency or failure to file, unless the director of the department of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. An applicant or licensee shall be considered to have paid his or her state taxes under this section for tax liability paid in protest or reasonably founded disputes with such liability.**

374.740. Any person applying to be licensed as a nonresident general bail bond agent who has been licensed in another state shall devote fifty percent of his or her working time in the state of Missouri and shall file proof with the director of the department of insurance, financial institutions and professional registration as to his or her compliance, and accompany his or her application with the fees set by the director by regulation [and, if applying for a nonresident general bail bond agent's license, with a duly executed assignment of]. **Nonresident general bail bond agents shall also transfer and deposit with the department, for the security of its outstanding surety bond obligations, assets of twenty-five thousand dollars [to the state of Missouri, which assignment shall become effective upon the applicant's violating any provision of sections 374.695 to 374.789. Failure to comply with this section will result in revocation of the nonresidence license. The assignment required by this section shall be in the form and executed in the manner prescribed by the department]. These assets shall be held in a Missouri financial institution of the department's choosing. Such deposits shall be held in the form of cash, certificates of deposit, bonds or treasury notes issued by the United States, bonds of the state of Missouri, or bonds of any school district or political subdivision of this state, and in all cases not to be received at a rate above their par value, nor above their current market value. The director may require by rule conditions by which additional assets of the general bail bond agent may be required when the circumstances of the business of the nonresident general bail bond agent warrant additional funds. However, such additional assets shall not exceed fifty thousand dollars.** All licenses issued pursuant to this section shall be subject to the same renewal requirements set for other licenses issued pursuant to sections 374.695 to 374.789.

374.755. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.695 to 374.775 or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of the profession licensed under sections 374.695 to 374.775;

(2) Final adjudication or a plea of guilty or nolo contendere [within the past fifteen years] in a criminal prosecution under any state or federal law for a felony or a crime involving moral turpitude whether or not a sentence is imposed[, prior to issuance of license date];

(3) Use of fraud, deception, misrepresentation or bribery in securing any license or in obtaining permission to take any examination required pursuant to sections 374.695 to 374.775;

(4) Obtaining or attempting to obtain any compensation as a member of the profession licensed by sections 374.695 to 374.775 by means of fraud, deception or misrepresentation;

(5) Misappropriation of the premium, collateral, or other things of value given to a bail bond agent or a general bail bond agent for the taking of bail, incompetency, **financial irresponsibility, untrustworthiness**, misconduct, gross negligence, fraud, or misrepresentation in the performance of the functions or duties of the profession licensed or regulated by sections 374.695 to 374.775;

(6) Violation of any provision of or any obligation imposed by the laws of this state, department of insurance, financial institutions and professional registration rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations, or subpoenas;

(7) Transferring a license or permitting another person to use a license of the licensee;

(8) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 374.695 to 374.789 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice the profession licensed or regulated by sections 374.695 to 374.789 who is not currently licensed and eligible to practice pursuant to sections 374.695 to 374.789;

(11) Acting in the capacity of an attorney at a trial or hearing of a person for whom the attorney is acting as surety;

(12) Failing to provide a copy of the bail contract, [renumbered] **prenumbered** written receipt for acceptance of money, or other collateral for the taking of bail to the principal, if requested by any person who is a party to the bail contract, or any person providing funds or collateral for bail on the principal's behalf;

**(13) Submitting a fraudulent, deceptive, or misleading financial statement or statement of outstanding bonds to the department or a court in this state.**

2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or

more of the causes stated in subsection 1 of this section have been met, the director may suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.

3. In lieu of filing a complaint at the administrative hearing commission, the director and the bail bond agent or general bail bond agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.

4. In addition to any other remedies available, the director may issue a cease and desist order or may seek an injunction in a court of competent jurisdiction pursuant to the provisions of section 374.046 whenever it appears that any person is acting as a bail bond agent or general bail bond agent without a license or violating any other provisions of sections 374.695 to 374.789.

374.757. 1. Any agent licensed by sections 374.695 to [374.775] **374.789** who intends to apprehend any person in this state shall inform law enforcement authorities in the city or county in which such agent intends such apprehension, before attempting such apprehension. Such agent shall present to the local law enforcement authorities a certified copy of the bond and all other appropriate paperwork identifying the principal and the person to be apprehended. Local law enforcement may accompany the agent. Failure of any agent to whom this section applies to comply with the provisions of this section shall be a class A misdemeanor for the first violation and a class D felony for subsequent violations; and shall also be a [violation of] **cause for discipline under** section 374.755 **or 374.787** and may in addition be punished pursuant to that section.

2. The surety recovery agent shall inform the local law enforcement in the county or city where such agent is planning to enter a residence. Such agent shall have a certified copy of the bond and all appropriate paperwork to identify the principal. Local law enforcement, when notified, may accompany the surety recovery agent to that location to keep the peace if an active warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law enforcement officers may accompany the surety recovery agent to such location. Failure to report to the local law enforcement agency is a class A misdemeanor. For any subsequent violations, failure to report to the local law enforcement agency is a class D felony.

374.760. **1.** Each general bail bond agent shall file, [between the first and tenth day of each month, sworn affidavits with the department stating that there are no unsatisfied judgments against him. Such affidavits shall be in the form and manner prescribed by the department] **with the initial application for licensure and annually with the March thirty-first quarterly financial statement thereafter, the following information:**

**(1) A financial statement in a form determined by the department to be used as proof of security for bail bonds written in this state. Acceptable assets for security consist of the following:**

**(a) Real estate located in the state of Missouri;**

**(b) Certificates of deposit issued by a FDIC-insured or NCUA-insured financial institution located in the state of Missouri or cash held on deposit by such institutions;**

**(c) Amounts of joint deposit in accordance with subsection 2 of section 374.715 or section 374.740;**  
**or**

**(d) Any asset that is not in the form of real estate, cash, or certificates of deposit issued by a FDIC-insured or NCUA-insured financial institution that has been specifically approved by the department;**

**(2) If the property used as an asset is real estate, the general bail bond agent shall submit to the department:**

**(a) A complete real estate appraisal conducted within the last two years by a Missouri licensed real estate appraiser showing the total market value of the property and a general description of such property or a true copy of the current real estate tax assessment thereof;**

**(b) An ownership and encumbrance report from a Missouri licensed title company; and**

**(c) When applicable, a copy of the mortgage statement from any federal or state financial institution showing the amounts due under any obligations secured by liens or similar encumbrances against the real estate, including any delinquent taxes, within one year of the date of submission. At its discretion, the department may require additional documentation to verify these amounts;**

**(3) Each general bail bond agent shall notify the director within ten days of any transfer or encumbrance of real estate included in the general bail bond agent's statement of assets;**

**(4) If the property used as an asset is a certificate of deposit or cash, a true and complete copy of a bank statement or other documentation from a financial institution dated within one month of the date of submission showing the value of the account shall be submitted as verification.**

**2. Each general bail bond agent shall file a quarterly financial statement within thirty days of the end of each calendar quarter after initial licensure as a general bail bond agent or more often if so directed by the department. Each general bail bond agent shall file a statement of outstanding bonds with the department within five days of the first day of each month. Such statement of outstanding bonds shall be in the form and manner prescribed by the department. Failure to file the quarterly financial statement or monthly statement of outstanding bonds will result in immediate removal of the general bail bond agent from the preapproved list of general bail bond agents kept by the department and is a cause to file a complaint against the general bail bond agent under section 374.755.**

**(1) To verify the value of the quarterly reported assets and liabilities, the general bail bond agent shall submit copies of the monthly bank statements reporting the value of the reported certificates of deposit and cash balances received since the initial application or prior quarterly financial statement filed with the department. The general bail bond agent may, at his or her discretion, submit updated appraisals as often as desired to support the market value of any real estate.**

**(2) The amount of bonds a general bail bond agent may issue shall not exceed the limitations set forth in subsections 3 and 4 of this section. The department may, at its discretion, request copies of all issued bonds reported on the statement of outstanding bonds.**

**3. The director shall provide a list of all preapproved general bail bond agents to the courts in a form and manner prescribed by the director on at least a monthly basis. A general bail bond agent shall be preapproved to write outstanding bonds totaling fifteen times the general bail bond agent's assets less encumbrances. When the amount of a general bail bond agent's outstanding bonds is equal to or greater than fifteen times the general bail bond agent's assets less encumbrances, the general bail bond agent shall be removed from the preapproved list until the general bail bond agent can demonstrate to the department that either the amount of outstanding bonds has been reduced below fifteen times the amount of the general bail bond agent's assets or that additional assets have been secured to allow outstanding bonds to fall below fifteen times the amount of the general bail bond**

agent's assets. Such additionally secured assets shall be submitted on a revised quarterly financial statement with the appropriate supporting documentation. The department shall update the preapproved list of general bail bond agents on at least a monthly basis.

**4. For general bail bond agents acting as property bail bondsmen, the value of any particular bond issued shall not exceed fifty percent of the general bail bond agent's secured assets less encumbrances unless specifically approved by the court. The general bail bond agent shall, within ten days of its issuance, notify the department and provide a copy of such bond and the court's approval.**

**5. Intentionally providing fraudulent, deceptive, or misleading financial statements or statements of outstanding bonds to the department or a court in this state is a class D felony.**

374.763. 1. [If any final judgment ordering forfeiture of a defendant's bond is not paid within a six-month period of time, the court shall extend the judgment date or notify the department of the failure to satisfy such judgment.] **If a bond is posted by a surety, who charges or receives compensation for signing a bond, and the defendant fails to appear at a required court appearance, the court shall immediately issue a warrant for arrest for the defendant, and shall enter a bond forfeiture in favor of the state or municipality and against the general bail bond agent and insurer. The general bail bond agent shall be allowed at least ninety days after the defendant's failure to appear before a forfeiture shall be considered a final judgment, subject to the provisions set forth in this section. The forfeiture automatically becomes a final judgment on the ninetieth day unless the court extends the time for final judgment entry. The clerk of the court shall immediately provide notice of the forfeiture order to the general bail bond agent or insurer at the address on file with the court. This section shall apply to all divisions of the circuit court hearing such matters, including municipal divisions.**

**2. At any time, upon request of the general bail bond agent, bail bond agent, or surety recovery agent, the clerk of the court shall, for the usual cost for certified copies, provide a certified copy of the bond to such agent.**

**3. The court shall extend the date for entry of final judgment no less than ninety additional days, if the agent tenders to the court the full amount of the criminal appearance bond.**

**4. The forfeiture order shall be set aside, if before final judgment or within thirty days after the date of final judgment, the general bail bond agent establishes:**

**(1) The defendant is incarcerated somewhere in the United States and is unavailable for return to the court;**

**(2) The defendant was incarcerated somewhere in the United States after the date the defendant failed to appear but prior to the date of final judgment;**

**(3) The defendant is being held in another jurisdiction and has asked the court for leave to return to the court issuing the warrant;**

**(4) The defendant has been deported;**

**(5) The defendant has died; or**

**(6) Other just causes accepted by the court.**

**5. When the judgment under this section is final, the clerk of the court shall immediately notify the department. Except in municipal divisions, when the judgment is final, the clerk of the court shall**



file a copy of the final judgment in the office of the clerk of the circuit court. The clerk of the circuit court shall file such judgment and enter it in the record of the circuit court for judgments and decrees under the procedure prescribed for filing transcripts of judgments.

**6. Unless notice of appeal of the final judgment is filed, thirty days after final judgment, the court shall distribute the amount tendered in accordance with the law and notify the department of the satisfaction. If notice of appeal is filed, the amount tendered shall not be distributed, and shall remain as tendered to the court pending appeal.**

**7. Thirty days after final judgment, if the bond forfeiture has not been paid, the general bail bond agent's authorization to write bail bonds in the state of Missouri shall immediately be suspended until that judgment has been satisfied, vacated, or otherwise discharged by order of the court and the director shall draw upon the assets of the surety, remit the sum to the court, and obtain a receipt of such sum from the court. The director may take action as provided by section 374.755, regarding the license of the surety and any bail bond agents writing upon the surety's liability. The department shall notify the courts when a general bail bond agent's authorization to write bail bonds in the state of Missouri has been suspended and when it has been reinstated.**

**8. Thirty days after final judgment, if an insurer fails to pay a bond forfeiture, the insurer's authorization to transact surety business in the state of Missouri shall immediately be suspended until that judgment has been satisfied, vacated, or otherwise discharged by order of the court. The department shall notify the courts when an insurer's authorization to transact surety business in the state of Missouri has been suspended and when it has been reinstated.**

[2.] **9.** The department shall furnish to the presiding judge of each circuit court of this state, on at least a monthly basis, a list of all duly licensed and qualified bail bond agents and general bail bond agents whose licenses are not subject to pending suspension or revocation proceedings, and who are not subject to unsatisfied bond forfeiture judgments. In lieu of such list, the department may provide this information to each presiding judge in an electronic format.

[3.] **10.** All duly licensed and qualified bail bond agents and general bail bond agents shall be qualified, without further requirement, to write bail upon a surety's liability in all courts of this state as provided in rules promulgated by the supreme court of Missouri and not by any circuit court rule. **In all cases where the court has set a bond requiring a percentage deposit, a licensed surety may satisfy such bond by posting a surety bond in the full face amount of the bond.**

**374.766. 1.** If the director determines that a person has engaged in or is engaging in An Act, practice, or course of business constituting a violation of sections 374.702 to 374.789 or a rule adopted or order issued or pursuant thereto, or that a person has materially aided or is materially aiding an act, omission, or course of constituting a violation of sections 374.702 to 374.789 or a rule adopted or order pursuant thereto, the director may issue such administrative orders as authorized under section 374.046. A violation of sections 374.702, 374.710, 374.716, 374.719, 374.775, 374.783, and 374.789 is a level two violation under section 374.049. A violation of sections 374.717 or 374.757 is a level three violation under section 374.049. A violation of section 374.788 is a level four violation under section 374.049.

**2.** If the director believes that a person has engaged in or is engaging in An Act, practice, or course of business constituting a violation of sections 374.702 to 374.789 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding An Act practice,

**omission, or course of business constituting a violation of sections 374.702 to 374.789 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048. A violation of sections 374.702, 374.710, 374.716, 374.719, 374.775, 374.783, or 374.789 is a level two violation under section 374.049. A violation of sections 374.717 or 374.757 is a level three violation under section 374.049. A violation of section 374.788 is a level four violation under section 374.049.**

374.770. [1. If there is a breach of the contract of the bond, the court in which the case is pending shall declare a bond forfeiture, unless the surety upon such bond informs the court that the defendant is incarcerated somewhere within the United States. If forfeiture is not ordered because the defendant is incarcerated somewhere within the United States, the surety is responsible for the return of the defendant. If bond forfeiture is ordered and the surety can subsequently prove the defendant is incarcerated somewhere within the United States, then the bond forfeiture shall be set aside and the surety be responsible for the return of the defendant. When the surety notifies the court of the whereabouts of the defendant, a hold order shall be placed by the court having jurisdiction on the defendant in the state in which the defendant is being held.

2.] In all instances in which a bail bond agent or general bail bond agent duly licensed by sections 374.700 to 374.775 has given his bond for bail for any defendant who has absented himself in violation of the condition of such bond, the bail bond agent or general bail bond agent shall have the first opportunity to return such defendant to the proper court. If he is unable to return such defendant, the state of Missouri shall return such defendant to the proper court for prosecution, and all costs incurred by the state in so returning a defendant may be levied against the bail bond agent or general bail bond agent in question.

374.775. [When issuing bonds of one thousand dollars or less, licensed bail bond agents or general bail bond agents may charge a minimum premium of fifty dollars. In connection with such] **For bonds of one thousand dollars or less, except for the initial premium agreed to,** no bail bond agent, general bail bond agent, or corporation shall charge or receive any additional fee for investigations or services rendered in connection with the execution of the bond.

374.783. 1. No person shall hold himself or herself out as being a surety recovery agent in this state, unless such person is licensed in accordance with the provisions of sections 374.783 to 374.789. Licensed bail bond agents and general bail bond agents may perform fugitive recovery without being licensed as a surety recovery agent.

2. The director shall have authority to license all surety recovery agents in this state. The director shall have control and supervision over the licensing of such agents and the enforcement of the terms and provisions of sections 374.783 to 374.789.

3. The director shall have the power to:

(1) Set and determine the amount of the fees authorized and required pursuant to sections 374.783 to 374.789. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering sections 374.783 to 374.789. However, such fees shall not exceed [one] **three** hundred [fifty] dollars for a two-year license; and

(2) Determine the sufficient qualifications of applicants for a license.

4. The director shall license for a period of two years all surety recovery agents in this state who meet the requirements of sections 374.783 to 374.789.

374.784. 1. Applications for examination and licensure as a surety recovery agent shall be submitted on forms prescribed by the department and shall contain such information as the department requires, along with a copy of the front and back of a photographic identification card.

2. Each application shall be accompanied by proof satisfactory to the director that the applicant is a citizen of the United States, is at least twenty-one years of age, and has a high school diploma or a general educational development certificate (GED). An applicant shall furnish evidence of such person's qualifications by completing an approved surety recovery agent course with at least [twenty-four] **forty** hours of initial minimum training. The director shall determine which institutions, organizations, associations, and individuals shall be eligible to provide said training. Said instructions and fees associated therewith shall be identical or similar to those prescribed in section 374.710 for bail bond agents and general bail bond agents.

3. In addition to said twenty-four hours of initial minimum training, licensees shall be required to receive eight hours of biennial continuing education of which said instructions and fees shall be identical or similar to those prescribed in section 374.710 for bail bond agents and general bail bond agents.

4. Applicants for surety recovery agents licensing shall be exempt from said requirements of the twenty-four hours of initial minimum training if applicants provide proof of prior training as a law enforcement officer with at least two years of such service within the ten years prior to the application being submitted to the department.

5. The director may refuse to issue any license pursuant to sections 374.783 to 374.789, for any one or any combination of causes stated in section 374.787. The director shall notify the applicant in writing of the reason or reasons for refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission to appeal the refusal as provided by chapter 621, RSMo.

374.785. 1. The director shall issue a license for a period of two years to any surety recovery agent who is licensed in another jurisdiction and who:

(1) Has no violations, suspensions, or revocations of a license to engage in fugitive recovery in any jurisdiction; and

(2) Is licensed in a jurisdiction whose requirements are substantially equal to or greater than the requirements for a surety recovery agent license in Missouri at the time the applicant applies for a license.

2. Any surety recovery agent who is licensed in another state shall also be subject to the same training requirements as in-state surety recovery agents prescribe to under section 374.784.

3. [For the purpose of surrender of the defendant, a surety recovery agent may apprehend the defendant anywhere within the state of Missouri before or after the forfeiture of the undertaking without personal liability for false imprisonment or may empower any surety recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.

4.] Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in this section, shall be required to pay the same fee as required of resident applicants. Within the limits provided in this section, the director may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed surety recovery agents from Missouri in other states.

374.788. 1. A bail bond agent having probable grounds to believe a subject free on his or her bond has

failed to appear as directed by a court, has breached the terms of the subject's surety agreement, or has taken a substantial step toward absconding may utilize all lawful means to apprehend the subject. To surrender a subject to a court, a licensed bail bond or surety recovery agent having probable grounds to believe the subject is free on his or her bond may:

(1) Detain the subject in a lawful manner, for a reasonable time, provided that in the event travel from another state is involved, the detention period may include reasonable travel time not to exceed seventy-two hours;

(2) Transport a subject in a lawful manner from **another** state to **within the state of Missouri**, and from county to county to a place of authorized surrender; and

(3) Enter upon private or public property in a lawful manner to execute apprehension of a subject.

2. A surety recovery agent who apprehends a subject pursuant to the provisions of subsection 1 of this section shall surrender custody of the subject to the court of jurisdiction.

3. When a surety recovery agent is in the process of performing fugitive recovery, a photographic identification card shall be prominently displayed on his or her person.

**4. For the purpose of surrender of the defendant, a bail bond agent may apprehend the defendant anywhere within the state of Missouri before or after the forfeiture of the undertaking without personal liability for false imprisonment or may empower any surety recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.”; and**

Further amend said bill, page 94, section B, line 21 of said page, by inserting after all of said line the following:

“Section C. The enactment of section 374.766 and the repeal and reenactment of sections 374.702, 374.705, 374.710, 374.715, 374.716, 374.720, 374.730, 374.740, 374.755, 374.757, 374.760, 374.763, 374.770, 374.775, 374.783, 374.784, 374.785, and 374.788 of section A of this act shall become effective January 1, 2011.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion failed.

Senator Stouffer offered **SA 7**:

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 94, Section 571.030, Line 13 of said page, by inserting after all of said line the following:

“[226.095. Upon request of the plaintiff in a negligence action against the department of transportation as defendant, the case shall be arbitrated by a panel of three arbiters pursuant to the provisions of chapter 435, RSMo.]”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Goodman offered **SA 8**:

## SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 69, Section 494.455, Line 9 of said page, by inserting after all of said line the following:

“511.580. 1. Satisfaction may be entered by the plaintiff in person, by his attorney of record, or by his agent duly authorized, in writing, under the hand of the plaintiff.

**2. When a judgment from any other state or territory of the United States is paid or presumed to be paid and satisfied by operation of law in that state or territory, it shall have the same effect in this state.**

**3. When a judgment under subsection 2 of this section is deemed satisfied, the judgment debtor may file a verified motion in any action seeking to enforce such satisfied judgment to acknowledge that the judgment is satisfied. The verified motion shall set forth a copy of the judgment and the date of its entry all authenticated in the manner authorized by the laws of the United States or of this state, and either proof of payment or a copy of the applicable statute from the other state or territory demonstrating that the judgment is presumed to be paid and satisfied by operation of law in that state or territory. The judgment debtor shall serve such motion upon the judgment creditor or assignee. This acknowledgment of satisfaction shall be entered by the court unless the judgment creditor, or assignee, objects within thirty days after service. In the event a judgment creditor objects within the thirty days after service, the court shall set a hearing to determine whether the judgment debtor has complied with this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted, which motion failed.

Senator Goodman offered **SA 9**:

## SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 3, Section 58.370, Line 13 of said page, by inserting after all of said line the following:

“60.650. For the purpose of preserving evidence of land surveys, every surveyor who establishes, restores, or reestablishes one or more corners [that create a new parcel of land] shall file the results of such survey with the recorder of deeds in the county or counties in which the survey is situated within sixty days after the survey has been certified.”; and

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 10**:

## SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 37, Section 452.340, Line 24, by inserting after all of said line the following:

“452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any judgment respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for

modification of any child support or maintenance judgment, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the child support guidelines and criteria set forth in section 452.340 and applicable supreme court rules to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable, if the existing amount was based upon the presumed amount pursuant to the child support guidelines.

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, the child support shall be determined in conformity with criteria set forth in section 452.340 and applicable supreme court rules.

3. Unless otherwise agreed in writing or expressly provided in the judgment, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance, **or if the former spouse receiving alimony or maintenance is cohabiting with or has cohabited with another person in a continuing, conjugal relationship.**

4. Unless otherwise agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child. The parent entitled to receive child support shall have the duty to notify the parent obligated to pay support of the child's emancipation and failing to do so, the parent entitled to receive child support shall be liable to the parent obligated to pay support for child support paid following emancipation of a minor child, plus interest.

5. If a parent has made an assignment of support rights to the division of family services on behalf of the state as a condition of eligibility for benefits pursuant to the Temporary Assistance for Needy Families program and either party initiates a motion to modify the support obligation by reducing it, the state of Missouri shall be named as a party to the proceeding. The state shall be served with a copy of the motion by sending it by certified mail to the director of the division of child support enforcement.

6. The court shall have continuing personal jurisdiction over both the obligee and the obligor of a court order for child support or maintenance for the purpose of modifying such order. Both obligee and obligor shall notify, in writing, the clerk of the court in which the support or maintenance order was entered of any change of mailing address. If personal service of the motion cannot be had in this state, the motion to modify and notice of hearing shall be served outside the state as provided by supreme court rule 54.14. The order may be modified only as to support or maintenance installments which accrued subsequent to the date of personal service. For the purpose of 42 U.S.C. 666(a)(9)(C), the circuit clerk shall be considered the "appropriate agent" to receive notice of the motion to modify for the obligee or the obligor, but only in those instances in which personal service could not be had in this state.

7. If a responsive pleading raising the issues of custody or visitation is filed in response to a motion to modify child support filed at the request of the division of child support enforcement by a prosecuting attorney or circuit attorney or an attorney under contract with the division, such responsive pleading shall be severed upon request.

8. Notwithstanding any provision of this section which requires a showing of substantial and continuing change in circumstances, in a IV-D case filed pursuant to this section by the division of child support enforcement as provided in section 454.400, RSMo, the court shall modify a support order in accordance

with the guidelines and criteria set forth in supreme court rule 88.01 and any regulations thereunder if the amount in the current order differs from the amount which would be ordered in accordance with such guidelines or regulations.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey offered **SA 11**:

**SENATE AMENDMENT NO. 11**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 15, Section 211.031, Line 13 of said page, by inserting after all of said line the following:

“429.015. 1. Every registered architect or corporation registered to practice architecture, every registered professional engineer or corporation registered to practice professional engineering, every registered landscape architect or corporation registered to practice landscape architecture, and every registered land surveyor or corporation registered to practice land surveying, who does any landscape architectural, architectural, engineering or land surveying work upon or performs any landscape architectural, architectural, engineering or land surveying service directly connected with the erection or repair of any building or other improvement upon land under or by virtue of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of this chapter, shall have for such person's landscape architectural, architectural, engineering or land surveying work or service so done or performed, a lien upon the building or other improvements and upon the land belonging to the owner or lessee on which the building or improvements are situated, to the extent of [one acre] **three acres**. If the building or other improvement is upon any lot of land in any town, city or village, then the lien shall be upon such building or other improvements, and the lot or land upon which the building or other improvements are situated, to secure the payment for the landscape architectural, architectural, engineering or land surveying work or service so done or performed. For purposes of this section, a corporation engaged in the practice of architecture, engineering, landscape architecture, or land surveying, shall be deemed to be registered if the corporation itself is registered under the laws of this state to practice architecture, engineering or land surveying.

2. Every mechanic or other person who shall do or perform any work or labor upon or furnish any material or machinery for the digging of a well to obtain water under or by virtue of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, upon complying with the provisions of sections 429.010 to 429.340 shall have for such person's work or labor done, or materials or machinery furnished, a lien upon the land belonging to such owner or lessee on which the same are situated, to the extent of [one acre] **three acres**, to secure the payment of such work or labor done, or materials or machinery furnished as aforesaid.

3. Every mechanic or other person who shall do or perform any work or labor upon, or furnish any material, fixtures, engine, boiler or machinery, for the purpose of demolishing or razing a building or structure under or by virtue of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county

having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of sections 429.010 to 429.340, shall have for such person's work or labor done, or materials, fixtures, engine, boiler or machinery furnished, a lien upon the land belonging to such owner or lessee on which the same are situated, to the extent of [one acre] **three acres**. If the building or buildings to be demolished or razed are upon any lot of land in any town, city or village, then the lien shall be upon the lot or lots or land upon which the building or other improvements are situated, to secure the payment for the labor and materials performed.

4. The provisions of sections 429.030 to 429.060 and sections 429.080 to 429.430 applicable to liens of mechanics and other persons shall apply to and govern the procedure with respect to the liens provided for in subsections 1, 2 and 3 of this section.

5. Any design professional or corporation authorized to have lien rights under subsection 1 of this section shall have a lien upon the building or other improvement and upon the land, whether or not actual construction of the planned work or improvement has commenced if:

(1) The owner or lessee thereof, or such owner's or lessee's agent or trustee, contracted for such professional services directly with the design professional or corporation asserting the lien; and

(2) The owner or lessee is the owner or lessee of such real property either at the time the contract is made or at the time the lien is filed.

6. Priority between a design professional or corporation lien claimant and any other mechanic's lien claimant shall be determined pursuant to the provisions of section 429.260 on a pro rata basis.

7. In any civil action, the owner or lessee may assert defenses which include that the actual construction of the planned work or improvement has not been performed in compliance with the professional services contract, is impracticable or is economically infeasible.

8. The agreement is in writing.”; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 12**, which was read:

**SENATE AMENDMENT NO. 12**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Pages 15-28, Section 429.016, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

At the request of Senator Green, **SA 12** was withdrawn.

At the request of Senator Bartle, **HB 1609**, with **SCS** and **SS No. 2** for **SCS**, as amended, was placed on the Informal Calendar.

Senator Engler announced that photographers from KODE-TV were given permission to take pictures



in the Senate Chamber today.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 6, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brandt W. Shields, 47 Southeast Erin Court, Saint Joseph, Buchanan County, Missouri 64507, as the student representative of the Missouri State University Board of Governors, for a term ending December 31, 2011 and until his successor is duly appointed and qualified; vice, Ashley M. Hoyer, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 6, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Glenn Talboy, Jr. to the Drug Utilization Review Board, submitted on March 25, 2010. Line 1 should be amended as follows:

“Glenn Talboy, Jr., 5323 Northwest Bluffs Way, Parkville, Platte County, Missouri 64152,”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointment and addendum to the Committee on Gubernatorial Appointments.

### REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 1894**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS No. 2** for **HB 1543**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **HB 1868**, begs leave to report that it has considered the same and recommends that the

bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 1316**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **HCS** for **HBs 1408** and **1514**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **HCS** for **HB 1965**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HBs 1311** and **1341**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SJR 20**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **HCS** for **HB 2357**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS No. 2** for **HBs 1692**, **1209**, **1405**, **1499**, **1535** and **1811**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

#### **HOUSE BILLS ON THIRD READING**

Senator Lembke moved that **SS** for **HCS** for **HBs 1408** and **1541** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS for HCS for HBs 1408 and 1541** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Clemens—1

Vacancies—None

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Shields moved that **SCS for HB 1868**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS for HB 1868**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt

Scott                Shields                Shoemyer                Stouffer                Vogel                Wilson                Wright-Jones—31

NAYS—Senator Purgason—1

Absent—Senator Green—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Purgason—1

Absent—Senator Green—1

Absent with leave—Senator Clemens—1

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Bray moved that **HB 1894**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**HB 1894**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Cunningham moved that **SCS** for **HCS** for **HB 1965**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HB 1965**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Scott moved that **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Lembke	Purgason	Ridgeway—3
--------	----------	------------

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Crowell moved that **SS** for **HCS** for **HB 2357**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HCS** for **HB 2357**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Crowell	Cunningham	Dempsey	Engler	Goodman
Green	Griesheimer	Keaveny	Lager	Lembke	Mayer	McKenna	Pearce
Purgason	Ridgeway	Rupp	Schmitt	Scott	Shields	Stouffer	Vogel
Wilson—25							

NAYS—Senators

Barnitz	Bray	Days	Justus	Nodler	Schaefer	Shoemyer	Wright-Jones—8
---------	------	------	--------	--------	----------	----------	----------------

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HBs 1311** and **1341**, with **SCS**, entitled:

An Act to amend chapters 337 and 376, RSMo, by adding thereto eleven new sections relating to insurance coverage for diagnosis and treatment of autism spectrum disorders, with penalty provisions.

Was taken up by Senator Rupp.

**SCS** for **HCS** for **HBs 1311** and **1341**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NOS. 1311 and 1341

An Act to amend chapters 337 and 376, RSMo, by adding thereto eleven new sections relating to the treatment of autism spectrum disorders, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **HCS** for **HBs 1311** and **1341** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **HCS** for **HBs 1311** and **1341** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Bartle	Cunningham	Purgason	Ridgeway	Scott	Stouffer—6
--------	------------	----------	----------	-------	------------

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Mayer moved that the Senate refuse to concur in **HCS** for **SB 795**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 771**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **SCS** for **SB 774**.

Bill ordered enrolled.

### **RESOLUTIONS**

Senator Keaveny offered Senate Resolution No. 2454, regarding Kiera Christian Wilson, Riverview Gardens, which was adopted.

Senator Green offered Senate Resolution No. 2455, regarding Tiffany Maria McAllister, Saint Louis, which was adopted.

Senator Green offered Senate Resolution No. 2456, regarding Lon D. Lowrey, RPh, Florissant, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Wilson introduced to the Senate, the Physician of the Day, Dr. Jasper Fullard, M.D., Kansas City.

Senator Schmitt introduced to the Senate, eighty fourth grade students from Westchester Elementary School, Kirkwood; and Kendall Pilcher, Scott Janasik and Brian Tretter were made honorary pages.

On motion of Senator Engler, the Senate adjourned until 3:00 p.m., Monday, May 10, 2010.

### **SENATE CALENDAR**

---

SIXTY-SIXTH DAY—MONDAY, MAY 10, 2010

---

### **FORMAL CALENDAR**

#### **THIRD READING OF SENATE BILLS**

SB 627-Justus (In Fiscal Oversight)  
SJR 20-Bartle  
SB 779-Bartle (In Fiscal Oversight)  
SCS for SB 944-Shields  
(In Fiscal Oversight)

SCS for SB 622-Shoemyer  
(In Fiscal Oversight)  
SS for SB 1057-Shields  
(In Fiscal Oversight)  
SCS for SB 969-Keaveny

#### **HOUSE BILLS ON THIRD READING**

HCS for HB 1675, with SCS (Ridgeway)  
(In Fiscal Oversight)

HJR 76-Dethrow, et al, with SCS  
(Purgason) (In Fiscal Oversight)



HCS for HB 1497 (Goodman)  
(In Fiscal Oversight)

HCS for HBs 1695, 1742 & 1674, with  
SCS (Schaefer) (In Fiscal Oversight)

HCS for HB 1316, with SCS (Nodler)

HCS#2 for HB 1543, with SCS (Pearce)

HB 1802-Gatschenberger, with SCS (Rupp)

## INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham  
(In Fiscal Oversight)

SCS for SB 826-Griesheimer  
SB 1001-Griesheimer

### SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
SB 587-Nodler and Cunningham, with SCS &  
SA 1 (pending)  
SB 596-Callahan, with SCS (pending)  
SB 606-Stouffer  
SBs 607, 602, 615 & 725-Stouffer, with  
SCS & SA 1 (pending)  
SB 639-Schmitt, with SCS & SS for SCS  
(pending)  
SB 643-Keaveny, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 698-Griesheimer, with SCS, SS for SCS  
& SA 1 (pending)  
SB 705-Griesheimer  
SB 738-Crowell, with SCS  
SB 747-Rupp, et al, with SA 1 (pending)  
SB 784-Schaefer and Pearce  
SB 792-Dempsey and Rupp, with SS  
(pending)  
SB 797-Green  
SB 810-Lager, with SCS  
SB 818-Lembke, with SCS, SS for SCS &  
SA 1 (pending)  
SB 839-Wright-Jones, with SCS  
SB 852-Lager, et al, with SS, SA 1 & SSA 1  
for SA 1 (pending)  
SB 868-Shields

SB 878-Lembke, with SCS & SS for SCS  
(pending)  
SBs 880, 780 & 836-Schaefer, with SCS,  
SS for SCS & SA 1 (pending)  
SBs 895, 813, 911, 924, 922 & 802-Dempsey,  
et al, with SCS, SS for SCS, SA 1,  
SSA 1 for SA 1 & SA 1 to SSA 1  
for SA 1 (pending)  
SB 896-Shields and Crowell, with SA 1  
(pending)  
SB 905-Bray, et al, with SCS & SS for  
SCS (pending)  
SB 999-Schaefer  
SB 1016-Mayer, with SCS  
SB 1017-Mayer, with SCS (pending)  
SB 1060-Bartle, with SCS  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS, SS#2  
for SCS & SA 5 (pending)  
SJR 29-Purgason and Cunningham, with  
SCS, SS#2 for SCS & SA 1 (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1  
(pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 1290, with SCS, SS#2 for SCS,  
SA 14 & SA 1 to SA 14 (pending)  
(Griesheimer)  
HCS for HB 1375, with SCS (Justus)  
HB 1424-Franz, with SCS (pending)  
(McKenna)  
HCS for HB 1446, with SCS (Pearce)  
HCS for HB 1541, with SCS (Goodman)  
HB 1559-Brown (30) (Shields)  
HB 1595-Dugger, et al (Purgason)  
HB 1609-Diehl, with SCS & SS#2 for SCS  
(pending) (Bartle)  
HCS#2 for HBs 1692, 1209, 1405, 1499,  
1535 & 1811, with SCS (Cunningham)

HB 1842-Wilson (130) (Goodman)  
HCS for HB 1893, with SS & SA 2  
(pending) (Dempsey)  
HCS for HB 2048, with SCS (Lager)  
HCS for HB 2070 (Schaefer)  
HB 2109-Ruzicka, with SCS (Lager)  
SS for SCS for HB 2111-Faith, et al  
(Stouffer) (In Fiscal Oversight)  
HB 2285-Thomson, with SCS (Lager)  
HCS for HJR 86, with SCS & SS for SCS  
(pending) (Stouffer)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 630-Cunningham, with HA 1 &  
HA 2  
SCS for SB 644-Shields, with HA 1, HA 2  
& HA 3

SB 773-Dempsey, with HA 1  
SCS for SBs 842, 799 & 809-Schmitt,  
with HCS, as amended  
SCS for SB 942-Rupp, with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 605-Mayer, with HCS,  
as amended  
SCS for SB 733-Pearce, with HCS,  
as amended  
SCS for SB 754-Dempsey, with HCS,  
as amended

HB 1442-Jones (89), et al, with SS for  
SCS, as amended (Nodler)  
HCS for HB 2297, with SCS,  
as amended (Wilson)

Requests to Recede or Grant Conference

SB 795-Mayer and Nodler, with HCS as  
amended (Senate requests House  
recede or grant conference)

SB 987-Stouffer, with HCS, as amended  
(Senate requests House recede or  
grant conference)

## RESOLUTIONS

## Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer

HCS for HCRs 34 & 35 (Schmitt)  
SR 1744-Shields  
SCR 57-Ridgeway

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-SIXTH DAY—MONDAY, MAY 10, 2010**

---

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“God is madly in love with you and is longing to give you the things you need.” (Mark E. Thibodeaux, S.J.)

Gracious God, we begin this final week knowing, whether it be gentle moments or times of great stress ahead, Your love is still with us. Grant us this week Your abiding love and presence and all that we need to be effective senators. May we never doubt Your love and hand is leading us and may we do with concern and courage and love what is required of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 6, 2010 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Keaveny offered Senate Resolution No. 2457, regarding Dasia Mack, Saint Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 2458, regarding Dr. Steve Trautwein, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2459, regarding the Sikeston Jaycees, which was adopted.

Senator Crowell offered Senate Resolution No. 2460, regarding L.L. Bridges, Jr., Marble Hill, which was adopted.

Senator Barnitz offered Senate Resolution No. 2461, regarding Major General David E. Quantock, which was adopted.

Senator Cunningham offered Senate Resolution No. 2462, regarding Babler Elementary School, Rockwood School District, which was adopted.

Senator Rupp offered Senate Resolution No. 2463, regarding Megan Coburn, which was adopted.

Senator Rupp offered Senate Resolution No. 2464, regarding Steven G. Stegen, O'Fallon, which was adopted.

Senator Pearce offered Senate Resolution No. 2465, regarding Laine Shay, Clinton, which was adopted.

Senator Pearce offered Senate Resolution No. 2466, regarding Cody Sumter, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 2467, regarding Enola-Riann White, Knob Noster, which was adopted.

Senator Mayer offered Senate Resolution No. 2468, regarding Hugh O. Hammond, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 2469, regarding Ronald D. Rains, Poplar Bluff, which was adopted.

Senator Purgason offered Senate Resolution No. 2470, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. Lyle James, Willow Springs, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2471, regarding the Eightieth Birthday of Clyde Scantlan, Sullivan, which was adopted.

Senator Engler offered Senate Resolution No. 2472, regarding Kayla Michelle Guinn, Middle Brook, which was adopted.

Senator Engler offered Senate Resolution No. 2473, regarding Margie K. Roedel, De Soto, which was adopted.

Senator Engler offered Senate Resolution No. 2474, regarding Austin Blake Naeger, Jackson, which was adopted.

Senator Cunningham offered Senate Resolution No. 2475, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Albert A. Hauswirth, Florissant, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2476, regarding Alexander Frazier, Gladstone, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2477, regarding Zachary LeMunyon, Kansas City,

which was adopted.

Senator Ridgeway offered Senate Resolution No. 2478, regarding Christian G. Folsom, Kansas City, which was adopted.

Senator Dempsey offered Senate Resolution No. 2479, regarding Sams Carpet Cleaning and Repairs, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 2480, regarding St. Peter Catholic Church and School, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 2481, regarding WorkSafe Midwest, Inc., St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 2482, regarding Wendy Black, which was adopted.

Senator Dempsey offered Senate Resolution No. 2483, regarding American Railcar Industries, Inc., St. Charles, which was adopted.

Senator Keaveny offered Senate Resolution No. 2484, regarding St. Louis Charter School, which was adopted.

Senator Shields offered Senate Resolution No. 2485, regarding Donna C. Nash, Dearborn, which was adopted.

Senator Wilson offered Senate Resolution No. 2486, regarding Jasper Fullard, Jr., MD, Kansas City, which was adopted.

### **PRIVILEGED MOTIONS**

Senator Schmitt moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 842, 799 and 809**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Mayer moved that the conferees on **HCS** for **SS** for **SCS** for **SB 605**, as amended, be allowed to exceed the differences, which motion prevailed.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

May 10, 2010

#### **To the Senate of the 95th General Assembly of the State of Missouri:**

I hereby withdraw from your consideration the following appointments to office made and submitted to you for your advice and consent:

Mary L. Buren, 5520 Central, Kansas City, Jackson County, Missouri 64113, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Mary L. Buren, withdrawn.

Benjamin Lampert, 4367 East Bogey Court, Springfield, Greene County, Missouri 65809, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Toni Smith, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields moved that the above appointments be returned to the Governor per his request, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 2016** and has taken up and passed **SCS** for **HCS** for **HB 2016**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 754**, as amended. Representatives: Day, Wells, Wasson, Dougherty and Webb.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 733**, as amended. Representatives: Kingery, Thomson, Hobbs, Schoemehl and Schupp.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 605**, as amended. Representatives: Stevenson, Jones (89), Brown (30), Kuessner and Quinn.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SB 844**, entitled:

An Act to repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 105.030, 105.040, 105.050, 105.456, 105.470, 105.473, 105.961, 105.963, 105.966, 115.279, 115.281, 115.287, 115.291, 115.292, 115.427, 116.160, 116.180, 116.190, 116.240, 116.334, 130.011, 130.021, 130.031, and 136.055, RSMo, and to enact in lieu thereof forty-nine new sections relating to ethical administration of public institutions and officials, with penalty provisions and a contingent effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

### REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HBs 1695, 1742** and **1674**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 2252**, begs leave to report that it has considered the same and recommends that the bill do pass.

### HOUSE BILLS ON THIRD READING

**HCS for HBs 1695, 1742 and 1674, with SCS, entitled:**

An Act to repeal sections 211.031, 217.785, 302.302, 302.321, 302.536, 302.750, 478.001, 478.003, 478.009, 479.010, 479.020, 479.170, 542.286, 577.010, 577.012, 577.020, 577.021, 577.023, 577.029, 577.037, 577.039, 577.041, 577.049, and 577.054, RSMo, and to enact in lieu thereof twenty-five new sections relating to driving while intoxicated, with penalty provisions.

Was taken up by Senator Schaefer.

**SCS for HCS for HBs 1695, 1742 and 1674, entitled:**

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 1695, 1742 and 1674

An Act to repeal sections 302.309, 302.750, 478.001, 478.003, 478.009, 479.170, 542.266, 542.276, 577.010, 577.012, 577.023, 577.039, and 577.041, RSMo, and to enact in lieu thereof sixteen new sections relating to intoxication-related offenses, with penalty provisions.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HBs 1695, 1742 and 1674** be adopted.

Senator Schaefer offered **SS for SCS for HCS for HBs 1695, 1742 and 1674, entitled:**

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 1695, 1742 and 1674

An Act to repeal sections 302.309, 302.750, 478.001, 478.003, 478.009, 479.170, 542.266, 542.276, 577.010, 577.012, 577.023, 577.039, 577.041, and 577.054, RSMo, and to enact in lieu thereof seventeen new sections relating to intoxication-related traffic offenses, with penalty provisions.

Senator Schaefer moved that **SS for SCS for HCS for HBs 1695, 1742 and 1674** be adopted.

At the request of Senator Schaefer, **HCS for HBs 1695, 1742 and 1674, with SCS and SS for SCS** (pending), was placed on the Informal Calendar.

President Pro Tem Shields assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HJR 64**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1966**, begs leave to report that it has considered the same and recommends that



the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HJR 78**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1444**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 1400**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HCS for HB 2058**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HJR 62**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 2205**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 2290**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS for HB 1871**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS for HB 1473**, begs leave to

report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1316**, with **SCS**, entitled:

An Act to repeal sections 137.180 and 137.355, RSMo, and to enact in lieu thereof two new sections relating to property tax assessment notices.

Was taken up by Senator Nodler.

**SCS** for **HCS** for **HB 1316**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1316**

An Act to repeal sections 52.230, 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 137.180, 137.355, 139.031, 139.040, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.110, 140.150, 140.160, 140.170, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, and 165.071, RSMo, and to enact in lieu thereof thirty-nine new sections relating to property taxes.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 1316** be adopted.

Senator Rupp offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1316, Page 8, Section 137.355, Line 50, by inserting after all of said line the following:

“138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

**(1) The assignment shall be deemed made when the scheduling order is first issued by the commission and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order.**

**(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.**

**3. The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.**

[3.] **4.** The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. There shall be no presumption that the assessor's valuation is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

[4.] **5.** Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

[5.] **6.** All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Callahan offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1316, Page 1, In the Title, Line 7, by inserting immediately after “taxes” the following: “, with an emergency clause for a certain section”; and

Further amend said bill, page 5, section 55.190, line 15, by inserting after all of said line the following:

“137.106. 1. This section may be known and may be cited as “The Missouri Homestead Preservation Act”.

2. As used in this section, the following terms shall mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of revenue;

(3) “Disabled”, as such term is defined in section 135.010, RSMo;

(4) “Eligible owner”, any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to

this section; or

(a) In the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to this section did not exceed the maximum upper limit; or

(b) In the case of joint ownership by unmarried persons or ownership by tenancy in common by two or more unmarried persons, such owners shall be considered an eligible owner if each person with an ownership interest individually satisfies the eligibility requirements for an individual eligible owner under this section and the combined income of all individuals with an interest in the property is equal to or less than the maximum upper limit in the year prior to completing an application under this section. If any individual with an ownership interest in the property fails to satisfy the eligibility requirements of an individual eligible owner or if the combined income of all individuals with interest in the property exceeds the maximum upper limit, then all individuals with an ownership interest in such property shall be deemed ineligible owners regardless of such other individual's ability to individually meet the eligibility requirements; or

(c) In the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this subsection;

No individual shall be an eligible owner if the individual has not paid [their] **the individual's** property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, except where an eligible owner of the property has made such improvements to accommodate a disabled person;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection 10 of this section. For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For applications filed between December 31, 2008, and December 31, 2011, the homestead exemption limit shall be based on the increase in tax liability from the base year to the

year prior to the application year. For applications filed on or after January 1, 2012, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For purposes of this subdivision, the term “base year” means the year prior to the first year in which the eligible owner’s application was approved, or 2006, whichever is later;

(7) “Income”, federal adjusted gross income, and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;

(8) “Maximum upper limit”, in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer’s tax bill for the current tax year, or on a document enclosed with the taxpayer’s bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor’s office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor’s office by the department. Forms also shall be made available on the department’s Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant’s age;

(2) That the applicant’s prior year income was less than the maximum upper limit;

(3) To the address of the homestead property; and

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value. The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon request for an application, shall:

(1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor’s property record card;

(2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks for inclusion on the form;

(3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April first and October fifteenth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant's age;

(2) That the applicant's prior year income was less than the maximum upper limit;

(3) To the address of the homestead property;

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value[; and].

[(5)]

The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

7. Each applicant shall send the application to the department by October fifteenth of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

8. If application is made in 2005, upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

9. If application is made after 2005, upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of government by December fifteenth

of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

10. The director shall calculate the level of appropriation necessary to set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

11. For applications made in 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

12. After setting the homestead exemption limit for applications made in 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation and assessment fund allocation to the county collector's funds of each county or the treasurer ex officio collector's fund in counties with a township form of government where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector or the treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to the collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each

homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

13. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall determine the apportionment percentage by equally apportioning the appropriation among all eligible applicants on a percentage basis. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

14. After determining the apportionment percentage, the director shall calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

16. In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to January first of the year in which the credit would otherwise be applied, the credit shall be void and any corresponding moneys, pursuant to subsection 12 of this section, shall lapse to the state to be credited to the general revenue fund. In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of



government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.

17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18. [In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.] **Pursuant to section 23.253, RSMo, of the Missouri sunset act, the provisions of the program authorized under this section are hereby reauthorized and shall automatically sunset August 28, 2013.**"; and

Further amend said bill, Page 37, Section 246.310, Line 3, by inserting after all of said line the following:

"Section B. Because of the need to continue the tax relief currently provided for this state's senior citizens, the repeal and reenactment of section 137.106 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 137.106 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Nodler, **HCS for HB 1316**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

**HCS No. 2 for HB 1543**, with **SCS**, entitled:

An Act to repeal sections 160.261, 160.400, 160.420, 160.660, 160.775, 161.209, 161.650, 167.018, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.221, 177.161, 177.171, and 210.102, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elementary and secondary education, with penalty provisions, with an effective date for a certain section and an emergency clause for a certain section.

Was taken up by Senator Pearce.

**SCS for HCS No. 2 for HB 1543**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NO. 1543

An Act to repeal sections 37.710, 160.261, 160.400, 160.405, 160.410, 160.420, 160.522, 160.545, 160.660, 160.775, 161.209, 161.650, 162.081, 162.720, 163.031, 163.036, 167.020, 167.022, 167.023,

167.029, 167.115, 167.117, 167.151, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.021, 168.071, 168.104, 168.133, 168.151, 168.221, 168.500, 168.515, 177.161, 177.171, 178.693, 178.695, 210.102, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof sixty-two new sections relating to elementary and secondary education, with penalty provisions, an effective date for a certain section and an emergency clause for certain sections.

Was taken up.

Senator Pearce moved that **SCS** for **HCS No. 2** for **HB 1543** be adopted.

Senator Pearce offered **SS** for **SCS** for **HCS No. 2** for **HB 1543**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NO. 1543

An Act to repeal sections 37.710, 160.261, 160.400, 160.405, 160.410, 160.420, 160.522, 160.545, 160.660, 160.775, 161.209, 161.650, 162.081, 162.720, 163.031, 163.036, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.151, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.021, 168.071, 168.104, 168.118, 168.133, 168.151, 168.221, 168.500, 168.515, 177.161, 177.171, 178.693, 178.695, 210.102, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof sixty-four new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for certain sections.

Senator Pearce moved that **SS** for **SCS** for **HCS No. 2** for **HB 1543** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 2, Section A, Line 10 of said page, by inserting after all of said line the following:

**“30.1025. 1. There is hereby created in the state treasury the “Race to the Top Fund”, which, provisions of law to the contrary notwithstanding, shall consist of all moneys awarded to the state as part of the race to the top program created pursuant to the American Recovery and Reinvestment Act of 2009, as enacted by the 111th United States Congress. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of the race to the top program. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**2. Prior to the distribution of any funds received by the state under this section, the commissioner of education shall appear before the joint committee on education and present the proposed distribution to school districts for any funds received. The joint committee shall review all distributions of funds under this section and shall approve, by majority vote of its members, the distribution of such funds.”; and**

Further amend said bill, page 4, section 160.085, line 21 of said page, by inserting after all of said line the following:

“160.254. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Education”, which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house.

2. The committee shall meet at least twice a year. In the event of three consecutive absences on the part of any member, such member may be removed from the committee.

3. The committee shall select either a chairman or cochairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairman or chairmen designate.

4. The committee shall:

(1) Review and monitor the progress of education in the state’s public schools and institutions of higher education;

(2) Receive reports from the commissioner of education concerning the public schools and from the commissioner of higher education concerning institutions of higher education;

(3) Conduct a study and analysis of the public school system;

(4) Make recommendations to the general assembly for legislative action;

(5) Conduct an in-depth study concerning all issues relating to the equity and adequacy of the distribution of state school aid, teachers’ salaries, funding for school buildings, and overall funding levels for schools and any other education funding-related issues the committee deems relevant;

(6) Monitor the establishment of performance measures as required by section 173.1006, RSMo, and report on their establishment to the governor and the general assembly;

(7) Conduct studies and analysis regarding:

(a) The higher education system, including financing public higher education and the provision of financial aid for higher education; and

(b) The feasibility of including students enrolled in proprietary schools, as that term is defined in section 173.600, RSMo, in all state-based financial aid programs;

(8) Annually review the collection of information under section 173.093, RSMo, to facilitate a more accurate comparison of the actual costs at public and private higher education institutions;

(9) Within three years of August 28, 2007, review a new model for the funding of public higher education institutions upon submission of such model by the coordinating board for higher education;

(10) Within three years of August 28, 2007, review the impact of the higher education student funding act established in sections 173.1000 to 173.1006;

(11) Beginning August 28, 2008, upon review, approve or deny any expenditures made by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of section 160.530;

**(12) Upon review, approve or deny the distribution of any funds received by the state from the**

**Race to the Top Program created pursuant to the American Recovery and Reinvestment Act of 2009, as enacted by the 111th United States Congress.**

5. During the legislative interim between the first regular session of the ninety-fifth general assembly through January 29, 2010, of the second regular session of the ninety-fifth general assembly, the joint committee on education shall study the issue of open enrollment for public school students across school district boundary lines in this state. In studying this issue, the joint committee may solicit input and information necessary to fulfill its obligation, including but not limited to soliciting input and information from any state department, state agency, school district, political subdivisions of this state, teachers, and the general public. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by December 31, 2009.

6. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of elementary and secondary education, the department of higher education, the coordinating board for higher education, the state tax commission, the department of economic development, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons.

7. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.”; and

Further amend said bill, page 178, section B, line 23 of said page, by inserting at the end of said line the following:

“Because of the need to ensure the proper receipt and accounting of moneys received from the Race to the Top Program, the enactment of section 30.1025 and the repeal and reenactment of section 160.254 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 30.1025 and the repeal and reenactment of section 160.254 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Keaveny offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 97, Section 167.029, Line 7 of said page, by inserting after all of said line the following:

“167.031. 1. Every parent, guardian or other person in this state having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of seven years and the compulsory attendance age for the district is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a child between the ages of five and seven years in a public school program of academic instruction shall cause such child to attend the academic program on a regular basis, according to this section **except as provided in subsection 8 of this**

**section.** Nonattendance by such child shall cause such parent, guardian or other responsible person to be in violation of the provisions of section 167.061, except as provided by this section. A parent, guardian or other person in this state having charge, control, or custody of a child between the ages of seven years of age and the compulsory attendance age for the district shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends; except that:

(1) A child who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof;

(2) A child between fourteen years of age and the compulsory attendance age for the district may be excused from attendance at school for the full time required, or any part thereof, by the superintendent of public schools of the district, or if there is none then by a court of competent jurisdiction, when legal employment has been obtained by the child and found to be desirable, and after the parents or guardian of the child have been advised of the pending action; or

(3) A child between five and seven years of age shall be excused from attendance at school if a parent, guardian or other person having charge, control or custody of the child makes a written request that the child be dropped from the school's rolls.

2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether incorporated or unincorporated, that:

(a) Has as its primary purpose the provision of private or religious-based instruction;

(b) Enrolls pupils between the ages of seven years and the compulsory attendance age for the district, of which no more than four are unrelated by affinity or consanguinity in the third degree; and

(c) Does not charge or receive consideration in the form of tuition, fees, or other remuneration in a genuine and fair exchange for provision of instruction.

(2) As evidence that a child is receiving regular instruction, the parent shall, except as otherwise provided in this subsection:

(a) Maintain the following records:

a. A plan book, diary, or other written record indicating subjects taught and activities engaged in; and

b. A portfolio of samples of the child's academic work; and

c. A record of evaluations of the child's academic progress; or

d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

(b) Offer at least one thousand hours of instruction, at least six hundred hours of which will be in reading, language arts, mathematics, social studies and science or academic courses that are related to the aforementioned subject areas and consonant with the pupil's age and ability. At least four hundred of the six hundred hours shall occur at the regular home school location.

(3) The requirements of subdivision (2) of this subsection shall not apply to any pupil above the age of sixteen years.

3. Nothing in this section shall require a private, parochial, parish or home school to include in its curriculum any concept, topic, or practice in conflict with the school's religious doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all departments or agencies of the state of Missouri shall be prohibited from dictating through rule, regulation or other device any statewide curriculum for private, parochial, parish or home schools.

4. A school year begins on the first day of July and ends on the thirtieth day of June following.

5. The production by a parent of a daily log showing that a home school has a course of instruction which satisfies the requirements of this section or, in the case of a pupil over the age of sixteen years who attended a metropolitan school district the previous year, a written statement that the pupil is attending home school in compliance with this section shall be a defense to any prosecution under this section and to any charge or action for educational neglect brought pursuant to chapter 210, RSMo.

6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the district" shall mean:

(1) Seventeen years of age for any metropolitan school district for which the school board adopts a resolution to establish such compulsory attendance age; provided that such resolution shall take effect no earlier than the school year next following the school year during which the resolution is adopted; and

(2) Seventeen years of age or having successfully completed sixteen credits towards high school graduation in all other cases. The school board of a metropolitan school district for which the compulsory attendance age is seventeen years may adopt a resolution to lower the compulsory attendance age to sixteen years; provided that such resolution shall take effect no earlier than the school year next following the school year during which the resolution is adopted.

7. For purposes of subsection 2 of this section as applied in subsection 6 [herein] **of this section**, a "completed credit towards high school graduation" shall be defined as one hundred hours or more of instruction in a course. Home school education enforcement and records pursuant to this section, and sections 210.167 and 211.031, RSMo, shall be subject to review only by the local prosecuting attorney.

**8. Notwithstanding subsection 1 of this section, beginning in the 2011-2012 school year, in a metropolitan school district and in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants, every parent, guardian, or other person having charge, control or custody of a child who chooses to enroll the child in a public, private, parochial, parish school, or full-time equivalent attendance in a combination of such schools shall enroll such child by the age of six. The provisions of this subsection shall not apply to any parent, guardian, or other person having charge, control, or custody of a child and intending to enroll the child in a program of academic instruction that complies with subsection 2 of this section."**; and

Further amend said bill, page 146, section 168.515, line 2 of said page, by inserting after all of said line the following:

**"171.017. 1. The board of education of any school district, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may offer two start dates for kindergarten for children who have attained the statutorily required age of eligibility for kindergarten. The school district may group children according to their date of birth to begin kindergarten on one of the start dates.**

**2. Any school district that adopts such a resolution shall offer:**

- (1) One start date for kindergarten that occurs on the opening date of the school year; and**
- (2) One start date for kindergarten that occurs approximately halfway through the school year.**

**3. Any school district that adopts such a resolution shall allow parents to have their child or children start kindergarten on the start date of choice.**

**4. No district that adopts a resolution under this section shall lose eligibility to receive state aid pursuant to section 163.021 as a result of implementing a second start date for kindergarten students, irrespective of the timing of, or number of, days of pupil attendance. Average daily attendance for students starting on a second kindergarten start date shall be calculated as provided in subdivision (2) of section 163.011.**

**5. Any child who begins kindergarten on a second kindergarten start date under this section may be promoted to first grade the subsequent school year if the student's teacher and principal find that the student is adequately prepared. Alternatively, the student's parent or legal guardian may request that the student remain in kindergarten an additional year.”; and**

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 3:**

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 90, Section 163.036, Line 25 of said page, by inserting after all of said line the following:

“163.044. 1. **(1)** Beginning with the 2007 fiscal year and each subsequent fiscal year, the general assembly shall appropriate fifteen million dollars to be directed in the following manner to school districts with an average daily attendance **for the regular school year** of three hundred fifty students or less in the school year preceding the payment year:

**[(1)] (a)** Ten million dollars shall be distributed to the eligible districts in proportion to their average daily attendance **for the regular school year**; and

**[(2)] (b)** Five million dollars shall be directed to the eligible districts that have an operating levy for school purposes in the current year equal to or greater than the performance levy and any school districts which have an operating levy for school purposes in the current year less than the performance levy solely due to a modification of such district's levy required under subdivision (4) of subsection 5 of section 137.073, RSMo. A tax-rate-weighted average daily attendance shall be calculated for each eligible district in proportion to its operating levy for school purposes for the current year divided by the performance levy with that result multiplied by the district's average daily attendance in the school year preceding the payment year. The total appropriation pursuant to this subdivision shall then be divided by the sum of the tax-rate-weighted average daily attendance of the eligible districts, and the resulting amount per tax-rate-weighted average daily attendance shall be multiplied by each eligible district's tax-rate-weighted average daily attendance to determine the amount to be paid to each eligible district.

**(2) Beginning with the earlier of the completion of the phase-in under subsection 4 of section**

**163.031 or the fiscal year after the first fiscal year in which the amount appropriated for subsections 1 and 2 of section 163.031 is sufficient to accommodate the full amount of the annualized calculation required under such subsections after fiscal year 2010, as certified by the commissioner of education in a letter to the house budget chair and senate appropriations chair, and each subsequent fiscal year, the general assembly shall appropriate twenty million dollars to be directed in the following manner to school districts with an average daily attendance for the regular school year of three hundred fifty students or less in the school year preceding the payment year:**

**(a) Fifteen million dollars shall be distributed to the eligible districts in proportion to their average daily attendance for the regular school year; and**

**(b) Five million dollars shall be directed to the eligible districts that have an operating levy for school purposes in the current year equal to or greater than the performance levy and any school districts which have an operating levy for school purposes in the current year less than the performance levy solely due to a modification of such district's levy required under subdivision (4) of subsection 5 of section 137.073, RSMo. A tax-rate-weighted average daily attendance shall be calculated for each eligible district in proportion to its operating levy for school purposes for the current year divided by the performance levy with that result multiplied by the district's average daily attendance in the school year preceding the payment year. The total appropriation pursuant to this subdivision shall then be divided by the sum of the tax-rate-weighted average daily attendance of the eligible districts, and the resulting amount per tax-rate-weighted average daily attendance shall be multiplied by each eligible district's tax-rate-weighted average daily attendance to determine the amount to be paid to each eligible district.**

**2. Upon the occurrence of the earlier of the two conditions outlined in subdivision (2) of subsection 1 of this section, and each subsequent fiscal year, the general assembly shall appropriate an amount to be directed in the following manner to school districts with an average daily attendance for the regular school year of three hundred fifty-one to and including four hundred forty-nine students in the school year preceding the payment year, so that a school district with an average daily attendance for the regular school year of three hundred fifty-one shall receive ninety-nine percent of the amount per average daily attendance distributed under subdivision (1) of subsection 1 of this section and the percentage factor shall decrease by one per each additional student in average daily attendance as average daily attendance for the regular school year increases to and including four hundred forty-nine.**

**3. The payment under this section shall not be transferred to the capital projects fund.**

**[3.] 4. Except as provided in subsection [2] 3 of this section, districts receiving payments under this section may use the moneys for, including but not limited to, the following:**

- (1) Distance learning;**
- (2) Extraordinary transportation costs;**
- (3) Rural teacher recruitment; and**
- (4) Student learning opportunities not available within the district.”; and**

**Further amend the title and enacting clause accordingly.**

**Senator Lager moved that the above amendment be adopted, which motion failed.**



Senator Schmitt offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 74, Section 163.031, Line 5 of said page, by inserting after the word “section” the following: “**. In such a situation, any district receiving a payment under this paragraph shall not be required to meet the non-federal requirements of the Missouri school improvement program**”; and

Further amend said bill and section, Page 76, Line 16 of said page, by inserting after the word “section” the following: “**. In such a situation, any district receiving a payment under this paragraph shall not be required to meet the non-federal requirements of the Missouri school improvement program**”.

Senator Schmitt moved that the above amendment be adopted.

President Kinder assumed the Chair.

At the request of Senator Pearce, **HCS No. 2** for **HB 1543**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

**REFERRALS**

President Pro Tem Shields referred **HB 2252**; **HCS** for **HJR 64**, with **SCS**; **HCS** for **HB 1966**, with **SCS**; **HJR 78**; **HJR 62**; and **HCS** for **HB 1871**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HBs 1311** and **1341** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS No. 2** for **HB 1268**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1677** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1965**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** and **SA 2** to **HB 1691** and requests the Senate to recede from its position and

failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1900**, as amended, and requests the Senate to recede from its position and, failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 33**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HCS** for **HBs 1408** and **1514** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCR 54**, as amended by **HSA 1** for **HA 1**.

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 54

WHEREAS, revenues in Missouri continue to fall well below estimates prepared by the state, forcing the governor to cut funds already appropriated by the legislature in order to balance the budget; and

WHEREAS, at the same time revenues have declined, state government has grown over the years, producing unnecessary programs and inefficient allocations of funds; and

WHEREAS, the Missouri General Assembly through careful planning must identify inefficient and unnecessary areas of government spending in order to ensure the state's resources are being put to a use that most benefits the citizens of this state:

NOW THEREFORE BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Reducing the Size of State Government; and

BE IT FURTHER RESOLVED that the Committee shall be charged with the following:

1. Examining each department, and agency within each department, to determine programs or bureaucracies within such department that should be eliminated or reduced; and

2. Developing recommendations, strategies and plans for:

(1) Reducing the size of state government;

(2) Identifying inefficient and unnecessary uses of state funds;

(3) Addressing budget shortfalls; and

(4) Other areas that the Committee determines are vital to reducing the size of state government; and

3. Reporting its recommendations to the House Budget Committee and the Senate Appropriations Committee by Dec. 31, 2010; and

4. Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Committee shall be composed of the members of the current House Budget Committee and the members of the current Senate Appropriations Committee and shall be co-chaired by the House Budget Committee Chair, or his or her designee, and the Senate Appropriations Chair, or his or her designee. The Commissioner of Administration and the State Budget Director, or their designees, shall serve as ex officio members of the Committee; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the

Second Regular Session of the Ninety-fifth General Assembly through December 31, 2010; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, political subdivisions of this State, and the general public; and

BE IT FURTHER RESOLVED that the staffs of Senate Appropriations, Senate Research, House Appropriations, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

#### HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Concurrent Resolution No. 54, Second Be It Further Resolved, Page 2, Lines 31 to 36 by deleting all of said lines and inserting in lieu thereof the following:

“BE IT FURTHER RESOLVED that the Committee shall be composed of fourteen members, four majority party members to be appointed by the President Pro Tem of the Senate, and three minority party members of the Senate to be appointed by the Minority Leader of the Senate, and four majority party members to be appointed by the Speaker of the House of Representatives, and three minority party members of the House of Representatives, to be appointed by the Minority Leader of the House of Representatives, the Commissioner of Administration, or his or her designee, and the State Budget Director, or his or her designee, shall serve as ex officio members of the Committee; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 795**, as amended, and grants the Senate a conference thereon.

### PRIVILEGED MOTIONS

Senator Rupp moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HBs 1311** and **1341**, and grant the House a conference thereon, which motion prevailed.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator Stouffer.

### RESOLUTIONS

Senator Schmitt offered Senate Resolution No. 2487, regarding Laura Henry, Webster Groves, which was adopted.

Senator Schmitt offered Senate Resolution No. 2488, regarding Maximillian Logan “Max” Inman, Saint Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 2489, regarding David James Cunningham, Jr., Manchester, which was adopted.

### CONFERENCE COMMITTEE

#### APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee

from the House on **HCS** for **SB 795**, as amended: Senators Mayer, Clemens, Purgason, Barnitz and Shoemyer.

### **PRIVILEGED MOTIONS**

Senator Justus moved that the Senate refuse to recede from its position on **SS No. 2** for **HB 1268**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Days moved that the Senate refuse to recede from its position on **SCS** for **HB 1677**, and grant the House a conference thereon, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

Senator Pearce moved that **HCS No. 2** for **HB 1543**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 4** was again taken up.

At the request of Senator Schmitt, the above amendment was withdrawn.

Senator Schmitt offered **SA 5**:

#### **SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 82, Section 163.031, Line 3, by inserting at the end of said line the following: **“In such a situation, any district receiving a payment pursuant to the provisions of this subdivision shall not be required to meet the non-federal requirements of the Missouri school improvement program.”**.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 6**:

#### **SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 43, Section 160.420, Line 27, by inserting after all of said line the following:

**“5. If any school district described in subsection 2 of 160.400 ceases to use a school building for a continuous period of two years or closes a school building, any charter school authorized to operate within the district or any private school may submit an offer in writing to lease or purchase such building for use as a school building. The district shall accept that offer no later than the close of business on the one hundred and eightieth day after it receives the offer; however, if, during the one hundred and eighty day period, the district receives another offer or offers to lease or purchase the building, the district shall accept the offer of the highest bidder.”; and**

Further amend said bill, page 46, section 160.522, line 6 of said page, by inserting after all of said line the following:

**“160.532. 1. The state board of education shall study the reforms made in public elementary and secondary education by the State of Massachusetts from 1993 to the present and the resulting performance on National Assessment of Educational Progress tests by the students of that state,**

including the performance of minority and disadvantaged students on such tests. In making such study, the state board of education shall give particular attention to the effects of the curriculum adopted by Massachusetts as part of its reforms and the effects of any requirement that students pass standardized tests to be eligible for graduation. No later than the close of business on September 30, 2010, the state board of education shall submit a detailed report of its findings and conclusions from the study required to be made by this section, along with its recommendations to adopt or not to adopt all or part of the Massachusetts reforms, especially those relating to the curriculum adopted by Massachusetts and the requirement that students pass a standardized test to be eligible for graduation. The report shall be submitted to the joint committee of the general assembly created in subsection 2 of this section.

2. (1) There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Education Research". The committee shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house of representatives. The committee shall select a chairperson and a vice-chairperson, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson designates.

(2) The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the joint committee on legislative research.

(3) The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2010, at which time the joint committee shall be dissolved.

(4) Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties."; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered SA 7:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 86, Section 163.036, Line 25 of said page by inserting immediately after "year." the following: "**Beginning with the 2010-2011 school year, the summer school attendance included in average daily attendance shall include only the attendance hours of pupils based exclusively on academic areas of study. The curriculum shall be based on core subject areas of the regular instruction program for the relevant grade levels. In order for summer school attendance to be included in the average daily attendance definition, each school district shall verify to the department of elementary and secondary education that the district's summer school program conforms to this subsection. This subsection shall not be construed to disallow a school district from providing a**

**summer school program that offers nonacademic or enrichment activities at such district's expense. In any year in which the foundation formula appropriation under subsections 1, 2, and 4 of section 163.031 is less than the state aid expenditure for the previous year, each school district's summer school average daily attendance figure shall be reduced by the same percentage that the foundation formula appropriation has decreased from the previous year's state aid expenditure ."; and**

Further amend said bill and section, page 89, lines 23-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 90, lines 1-25 of said page, by striking all of said lines.

Senator Cunningham moved that the above amendment be adopted.

Senator Cunningham offered **SA 1 to SA 7**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 1, Line 15, by inserting immediately after the word "**district's**" the following: "**or parent's or parents**".

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

**SA 7**, as amended, was again taken up.

Senator Schmitt offered **SA 2 to SA 7**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 1, Line 6, by inserting immediately after the word "**study**" the following: "**or as specified in individual education programs**".

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

**SA 7**, as amended, was again taken up.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Pearce, **HCS No. 2** for **HB 1543**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

**PRIVILEGED MOTIONS**

Senator Cunningham moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1965**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Scott moved that the Senate refuse to recede from its position on **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Pearce moved that the Senate refuse to recede from its position on **SA 1** and **SA 2** to **HB 1691**, and grant the House a conference thereon, which motion prevailed.

Senator Lembke moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HBs 1408** and **1514**, and grant the House a conference thereon, which motion prevailed.

Senator Purgason moved that **SCR 54**, with **HCS**, as amended, be taken up for adoption, which motion prevailed.

**HCS** for **SCR 54**, as amended, was taken up.

Senator Purgason moved that **HCS** for **SCR 54**, as amended, be adopted, which motion prevailed.

On motion of Senator Purgason, **SCR 54**, as amended by **HCS** with **HSA 1** for **HA 1** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Pearce	Purgason	Ridgeway	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators

Nodler            Vogel—2

Vacancies—None

## CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HBs 1408** and **1514**: Senators Lembke, Cunningham, Ridgeway, Callahan and McKenna.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **HB 1268**, as amended: Senators Justus, Days, Pearce, Lager and Crowell.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1677**: Senators Days, Justus, Pearce, Lager and Crowell.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**, as amended: Senators Scott, Cunningham, Mayer, Keaveny and McKenna.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1965**, as amended: Senators Cunningham, Lembke, Mayer, Callahan and McKenna.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HBs 1311** and **1341**: Senators Rupp, Schmitt, Crowell, Days and McKenna.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HB 1691**, with **SA 1** and **SA 2**: Senators Pearce, Lager, Schmitt, Days and Justus.

On motion of Senator Engler, the Senate adjourned under the rules.

SENATE CALENDAR

---

SIXTY-SEVENTH DAY—TUESDAY, MAY 11, 2010

---

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)	SCS for SB 622-Shoemyer (In Fiscal Oversight)
SJR 20-Bartle	SS for SB 1057-Shields (In Fiscal Oversight)
SB 779-Bartle (In Fiscal Oversight)	SCS for SB 969-Keaveny
SCS for SB 944-Shields (In Fiscal Oversight)	

HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HCS for HB 1675, with SCS (Ridgeway)<br>(In Fiscal Oversight)       | 8. HJR 78-Smith (150), et al<br>(In Fiscal Oversight)  |
| 2. HJR 76-Dethrow, et al, with SCS<br>(Purgason) (In Fiscal Oversight) | 9. HB 1444-Jones (89), et al, with SCS<br>(Schmitt)    |
| 3. HCS for HB 1497 (Goodman)<br>(In Fiscal Oversight)                  | 10. HCS for HB 1400, with SCS                          |
| 4. HB 1802-Gatschenberger, with SCS<br>(Rupp)                          | 11. HCS for HB 2058, with SCS (Schmitt)                |
| 5. HB 2252-Faith (Dempsey)<br>(In Fiscal Oversight)                    | 12. HJR 62-McGhee, et al<br>(In Fiscal Oversight)      |
| 6. HCS for HJR 64, with SCS<br>(In Fiscal Oversight)                   | 13. HB 2205-Burlison, with SCS                         |
| 7. HCS for HB 1966, with SCS (Pearce)<br>(In Fiscal Oversight)         | 14. HB 2290-Wasson                                     |
|  | 15. HCS for HB 1871, with SCS<br>(In Fiscal Oversight) |
|  | 16. HCS for HB 1473, with SCS                          |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham (In Fiscal Oversight)	SCS for SB 826-Griesheimer SB 1001-Griesheimer
--	---



## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
 SB 587-Nodler and Cunningham, with SCS & SA 1 (pending)  
 SB 596-Callahan, with SCS (pending)  
 SB 606-Stouffer  
 SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)  
 SB 639-Schmitt, with SCS & SS for SCS (pending)  
 SB 643-Keaveny, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)  
 SB 698-Griesheimer, with SCS, SS for SCS & SA 1 (pending)  
 SB 705-Griesheimer  
 SB 738-Crowell, with SCS  
 SB 747-Rupp, et al, with SA 1 (pending)  
 SB 784-Schaefer and Pearce  
 SB 792-Dempsey and Rupp, with SS (pending)  
 SB 797-Green  
 SB 810-Lager, with SCS  
 SB 818-Lembke, with SCS, SS for SCS & SA 1 (pending)  
 SB 839-Wright-Jones, with SCS  
 SB 852-Lager, et al, with SS, SA 1 & SSA 1 for SA 1 (pending)  
 SB 868-Shields

SB 878-Lembke, with SCS & SS for SCS (pending)  
 SBs 880, 780 & 836-Schaefer, with SCS, SS for SCS & SA 1 (pending)  
 SBs 895, 813, 911, 924, 922 & 802-Dempsey, et al, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)  
 SB 896-Shields and Crowell, with SA 1 (pending)  
 SB 905-Bray, et al, with SCS & SS for SCS (pending)  
 SB 999-Schaefer  
 SB 1016-Mayer, with SCS  
 SB 1017-Mayer, with SCS (pending)  
 SB 1060-Bartle, with SCS  
 SJR 22-Callahan  
 SJR 25-Cunningham, et al, with SCS, SS#2 for SCS & SA 5 (pending)  
 SJR 29-Purgason and Cunningham, with SCS, SS#2 for SCS & SA 1 (pending)  
 SJR 31-Scott  
 SJR 33-Bartle, with SA 1 (pending)  
 SJR 34-Goodman, et al, with SA 1 (pending)  
 SJR 38-Ridgeway  
 SJR 40-Goodman, with SA 1 (pending)

## HOUSE BILLS ON THIRD READING

HCS for HB 1290, with SCS, SS#2 for SCS, SA 14 & SA 1 to SA 14 (pending) (Griesheimer)  
 HCS for HB 1316, with SCS & SA 2 (pending) (Nodler)  
 HCS for HB 1375, with SCS (Justus)  
 HB 1424-Franz, with SCS (pending) (McKenna)  
 HCS for HB 1446, with SCS (Pearce)  
 HCS for HB 1541, with SCS (Goodman)

HCS#2 for HB 1543, with SCS & SS for SCS (pending) (Pearce)  
 HB 1559-Brown (30) (Shields)  
 HB 1595-Dugger, et al (Purgason)  
 HB 1609-Diehl, with SCS & SS#2 for SCS (pending) (Bartle)  
 HCS#2 for HBs 1692, 1209, 1405, 1499, 1535 & 1811, with SCS (Cunningham)  
 HCS for HBs 1695, 1742 & 1674, with SCS & SS for SCS (pending) (Schaefer)

HB 1842-Wilson (130) (Goodman)  
HCS for HB 1893, with SS & SA 2  
(pending) (Dempsey)  
HCS for HB 2048, with SCS (Lager)  
HCS for HB 2070 (Schaefer)  
HB 2109-Ruzicka, with SCS (Lager)

SS for SCS for HB 2111-Faith, et al  
(Stouffer) (In Fiscal Oversight)  
HB 2285-Thomson, with SCS (Lager)  
HCS for HJR 86, with SCS & SS for SCS  
(pending) (Stouffer)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 630-Cunningham, with HA 1  
& HA 2  
SCS for SB 644-Shields, with HA 1, HA 2  
& HA 3

SB 773-Dempsey, with HA 1  
SB 844-Shields, with HCS#2  
SCS for SB 942-Rupp, with HCS

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SS for SCS for SB 605-Mayer, with HCS,  
as amended  
SCS for SB 733-Pearce, with HCS,  
as amended  
SCS for SB 754-Dempsey, with HCS,  
as amended  
SB 795-Mayer and Nodler, with HCS,  
as amended  
HB 1268-Meiners, with SS#2,  
as amended (Justus)  
HCS for HBs 1311 & 1341, with SCS (Rupp)

HCS for HBs 1408 & 1514, with SS (Lembke)  
HB 1442-Jones (89), et al, with SS for  
SCS, as amended (Nodler)  
HB 1677-Hoskins (80), with SCS (Days)  
HB 1691-Kraus, et al, with SA 1 & SA 2 (Pearce)  
HCS for HB 1965, with SCS,  
as amended (Cunningham)  
HB 2226, HB 1824, HB 1832 & HB 1990,  
with SCS, as amended (Scott)  
HCS for HB 2297, with SCS, as amended  
(Wilson)

##### Requests to Recede or Grant Conference

SCS for SBs 842, 799 & 809-Schmitt, with  
HCS, as amended (Senate requests  
House recede or grant conference)

SB 987-Stouffer, with HCS, as amended  
(Senate requests House recede or  
grant conference)

#### RESOLUTIONS

##### Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer

HCS for HCRs 34 & 35 (Schmitt)  
SR 1744-Shields  
SCR 57-Ridgeway

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-SEVENTH DAY—TUESDAY, MAY 11, 2010**

---

The Senate met pursuant to adjournment.

Senator Clemens in the Chair.

Reverend Carl Gauck offered the following prayer:

“While praying, listen to the words very carefully. When your heart is attentive, your entire being enters your prayer without your having to force it.” (Rebbe Nachman of Breslov)

Heavenly Father, we know that with all the demands on us and time away from those we love, we are not as centered as we have need to be. Help us to pray and listen to those words and be centered in You. Help us to lovingly move among one another and work co-operatively one with the other so our decisions are helpful, and our bills accomplish precisely what You desire. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Scott offered Senate Resolution No. 2490, regarding Donovan Eli Fitzpatrick, Lincoln, which

was adopted.

Senator Scott offered Senate Resolution No. 2491, regarding Gentry Matthew Harms, Lincoln, which was adopted.

Senator Champion offered Senate Resolution No. 2492, regarding Michelle Pence, which was adopted.

Senator Rupp offered Senate Resolution No. 2493, regarding the One Hundredth Birthday of Catharine Vickrey, which was adopted.

Senator Vogel offered Senate Resolution No. 2494, regarding Larry M. Dickerson, Jefferson City, which was adopted.

Senator Shields offered Senate Resolution No. 2495, regarding Nancy R. Briggs, which was adopted.

Senator Champion offered Senate Resolution No. 2496, regarding Andrew Keli'i Gibson, Springfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2497, regarding Governor Bob Holden, which was adopted.

### **HOUSE BILLS ON THIRD READING**

Senator Stouffer moved that **HCS** for **HJR 86**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HCS** for **HJR 86** was again taken up.

At the request of Senator Stouffer, **SS** for **SCS** for **HCS** for **HJR 86** was withdrawn.

Senator Stouffer offered **SS No. 2** for **SCS** for **HCS** for **HJR 86**, entitled:

#### **SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 86**

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to raise animals.

Senator Stouffer moved that **SS No. 2** for **SCS** for **HCS** for **HJR 86** be adopted.

Senator Schmitt assumed the Chair.

At the request of Senator Stouffer, **HCS** for **HJR 86**, with **SCS** and **SS No. 2** for **SCS** (pending) was placed on the Informal Calendar.

**HB 1802**, with **SCS**, introduced by Representative Gatschenberger, et al, entitled:

An Act to repeal sections 407.500 and 407.505, RSMo, and to enact in lieu thereof two new sections relating to the purchase of rifles and shotguns.

Was taken up by Senator Rupp.

**SCS** for **HB 1802**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1802

An Act to repeal 407.500, 407.505, 563.011, 563.031, 571.030, 571.070, 571.101, 571.104, and 571.107, RSMo, and to enact in lieu thereof nine new sections relating to provisions of the criminal code concerning personal protection, with a penalty provision.

Was taken up.

Senator Rupp moved that **SCS** for **HB 1802** be adopted.

Senator Rupp offered **SS** for **SCS** for **HB 1802**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1802

An Act to repeal 407.500, 407.505, 475.375, 563.011, 563.031, 571.030, 571.070, 571.101, 571.104, and 571.107, RSMo, and to enact in lieu thereof ten new sections relating to provisions of the criminal code concerning personal protection, with a penalty provision.

Senator Rupp moved that **SS** for **SCS** for **HB 1802** be adopted.

Senator Ridgeway assumed the Chair.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1802, Page 1, Section A, Line 6, by inserting after all of said line the following:

“43.545. The state highway patrol shall include in its voluntary system of reporting for compilation in the “Missouri Crime Index” all reported incidents of domestic violence, whether or not an arrest is made. All incidents shall be reported on forms provided by the highway patrol and in a manner prescribed by the patrol. For purposes of this section only, “domestic violence” shall be defined as any dispute arising between spouses, former spouses, persons related by blood or marriage, individuals who are presently residing together or have resided together in the past, **a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim**, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

455.200. As used in sections 455.200 to 455.230, unless the context clearly requires otherwise, the following words and phrases mean:

(1) “Designated authority”, the board, commission, agency, or other body designated under the provisions of section 455.210 as the authority to administer the allocation and distribution of funds to shelters;

(2) “Domestic violence”, [attempting to cause or causing bodily injury to a family or household member, or placing a family or household member by threat of force in fear of imminent physical harm] **includes but is not limited to the occurrence of any acts, attempts, or threats against a person who may be protected under sections 455.010 to 455.085;**

(3) “Family or household member”, a spouse, a former spouse, [person living with another person

whether or not as spouses, parent, or other adult person related by consanguinity or affinity, who is residing or has resided with the person committing the domestic violence and dependents of such persons] **adults who are presently residing together or have resided together in the past, an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and adults who have a child in common regardless of whether they have been married or have resided together at any time;**

(4) “Shelter for victims of domestic violence” or “shelter”, a facility established for the purpose of providing temporary residential service or facilities to family or household members who are victims of domestic violence.

455.545. The highway patrol shall compile an annual report of homicides and suicides related to domestic violence, **as defined in section 455.200**. Such report shall be presented by February first of the subsequent year to the governor, speaker of the house of representatives, and president pro tempore of the senate.”; and

Further amend said bill, page 8, section 563.031, line 13 by inserting after all of said line the following:

“565.063. 1. As used in this section, the following terms mean:

(1) “Domestic assault offense”:

(a) The commission of the crime of domestic assault in the first degree or domestic assault in the second degree; or

(b) The commission of the crime of assault in the first degree or assault in the second degree if the victim of the assault was a family or household member;

(c) The commission of a crime in another state, or any federal, tribal, or military offense which, if committed in this state, would be a violation of any offense listed in paragraph (a) or (b) of this subdivision;

(2) “Family” or “household member”, spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, **an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim**, and adults who have a child in common regardless of whether they have been married or have resided together at any time;

(3) “Persistent domestic violence offender”, a person who has pleaded guilty to or has been found guilty of two or more domestic assault offenses, where such two or more offenses occurred within ten years of the occurrence of the domestic assault offense for which the person is charged; and

(4) “Prior domestic violence offender”, a person who has pleaded guilty to or has been found guilty of one domestic assault offense, where such prior offense occurred within five years of the occurrence of the domestic assault offense for which the person is charged.

2. No court shall suspend the imposition of sentence as to a prior or persistent domestic violence offender pursuant to this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding, nor shall such person be eligible for parole or probation until such person has served a minimum of six months' imprisonment.

3. The court shall find the defendant to be a prior domestic violence offender or persistent domestic violence offender, if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment

pleads all essential facts warranting a finding that the defendant is a prior domestic violence offender or persistent domestic violence offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior domestic violence offender or persistent domestic violence offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior domestic violence offender or persistent domestic violence offender.

4. In a jury trial, such facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

5. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

6. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

7. The defendant may waive proof of the facts alleged.

8. Nothing in this section shall prevent the use of presentence investigations or commitments.

9. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.

10. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

11. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior domestic violence offenders or persistent domestic violence offenders.

12. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon.

13. Evidence of similar criminal convictions of domestic violence pursuant to this chapter, chapter 566, RSMo, or chapter 568, RSMo, within five years of the offense at issue, shall be admissible for the purposes of showing a past history of domestic violence.

14. Any person who has pleaded guilty to or been found guilty of a violation of section 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the offender is a prior domestic violence offender. The offender shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if the court finds the offender is a persistent domestic violence offender or the prior domestic violence offender inflicts serious physical injury on the victim.

15. Any person who has pleaded guilty to or been found guilty of a violation of section 565.073 shall be sentenced:

(1) To the authorized term of imprisonment for a class B felony if the court finds the offender is a prior domestic violence offender; or

(2) To the authorized term of imprisonment for a class A felony if the court finds the offender is a persistent domestic violence offender.

**565.142. 1. When responding to the scene of an alleged act of domestic assault, a law enforcement officer may remove a firearm from the scene if:**

(1) The law enforcement officer has probable cause to believe that an act of domestic assault has occurred; and

(2) The law enforcement officer has observed the firearm on the scene during the response.

**2. If a firearm is removed from the scene under subsection 1 of this section, the law enforcement officer shall:**

(1) Provide to the owner of the firearm information on the process for retaking possession of the firearm; and

(2) Provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic assault.

**3. Within fourteen days of the conclusion of a proceeding on the alleged act of domestic assault, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under section 571.095.**

**565.144. 1. It shall be unlawful to possess a firearm for a person who:**

(1) Is subject to a court order that:

(a) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(b) Restrains such person from harassing, stalking, or threatening a family or household member of such person or a child of such family or household member or person, or engaging in other conduct that would place a family or household member in reasonable fear of bodily injury to the family or household member or child; and

(c) Includes a finding that such person represents a credible threat to the physical safety of such family or household member or a child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such family or household member or child that would reasonably be expected to cause bodily injury; or

(2) Has been found guilty of or pleaded guilty to a misdemeanor crime of domestic assault in a court of competent jurisdiction.

**2. For the purposes of this section, the term “family” or “household member” shall be defined as such term is defined in section 455.010.**

**3. It shall be a class D felony to violate the provisions of this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Rupp, **HB 1802**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.



### PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to concur in **HCS No. 2** for **SB 844** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HB 1444**, with **SCS**, introduced by Representative Jones (89), et al, entitled:

An Act to repeal section 610.020, RSMo, and to enact in lieu thereof one new section relating to notice for certain public meetings, with penalty provisions.

Was taken up by Senator Schmitt.

**SCS** for **HB 1444**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1444

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to notice for certain public meetings.

Was taken up.

Senator Schmitt moved that **SCS** for **HB 1444** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **HB 1444** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the

House on **HCS** for **SCS** for **SB 733**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 733

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 733, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 733, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 733;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 733, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce  
Scott Rupp  
/s/ Kurt Schaeffer  
/s/ Rita Heard Days  
/s/ Wes Shoemyer

FOR THE HOUSE:

/s/ Gayle Kingery  
/s/ Mike Thomson  
/s/ Steve Hobbs  
/s/ Sue Schoemehl  
/s/ Jill Schupp

Senator Pearce moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Rupp—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

President Kinder assumed the Chair.

On motion of Senator Pearce, **CCS** for **HCS** for **SCS** for **SB 733**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 733

An Act to repeal sections 173.250, 173.1105, and 173.1108, RSMo, and to enact in lieu thereof four new

sections relating to higher education, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Rupp—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Rupp—1

Absent—Senator Lembke—1

Absent with leave—Senators—None

Vacancies—None

Senator Ridgeway assumed the Chair.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1375**, with **SCS**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to treatment of certain sexually transmitted diseases.

Was called from the Informal Calendar and taken up by Senator Justus.

**SCS** for **HCS** for **HB 1375**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1375

An Act to amend chapters 167 and 191, RSMo, by adding thereto two new sections relating to treatment of certain sexually transmitted diseases.

Was taken up.

Senator Justus moved that **SCS** for **HCS** for **HB 1375** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS** for **HCS** for **HB 1375** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Engler
Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer	McKenna	Nodler
Pearce	Purgason	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Vogel
Wilson	Wright-Jones—26						

NAYS—Senators

Barnitz	Bartle	Dempsey	Lembke	Ridgeway	Scott	Stouffer—7
---------	--------	---------	--------	----------	-------	------------

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 46**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker

has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HB 2226, HB 1824, HB 1832** and **HB 1990**, as amended. Representatives: Wasson, Day, Wells, Roorda and Noor.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 795**, as amended. Representatives: Loehner, Schlottach, Munzlinger, Harris and Shively.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **HCS** for **HBs 1408** and **1514**. Representatives: Smith (150), Cox, Smith (14), Holsman and Oxford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1965**, as amended. Representatives: McNary, Burlison, Jones (89), Bringer and Low.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HBs 1311** and **1341**. Representatives: Scharnhorst, Cooper, Nance, LeVota and Grill.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees are allowed to exceed the differences on **HCS** for **SS** for **SB 605**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HCS** for **SB 987**, as amended, and has again taken up and passed **SB 987**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 842, 799** and **809**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCR 36**.

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular

Session, the House of Representatives concurring therein, hereby urge Congress to adopt a balanced budget amendment to the United States Constitution that requires a balance in the projected revenues and expenditures of the United States federal government when preparing and approving the annual federal budget; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Missouri congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 51**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 56**.

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 842, 799 and 809**, as amended: Senators Schmitt, Crowell, Dempsey, Callahan and Justus.

On motion of Senator Engler, the Senate recessed until 1:00 p.m.

#### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Dempsey.

#### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HB 1677**. Representatives: Hoskins (80), Webber, Nolte, Allen and Zerr.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS No. 2** for **HB 1268**, as amended. Representatives: Meiners, LeVota, Nolte, Allen and Zerr.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1868**, as amended, and request the Senate recede from its position and failing to do so grant the House a conference thereon and the conferees be allowed to exceed the differences regarding the sections that have to do with pensions for the Water Patrol.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

refuses to recede from its position on **HCS No. 2** for **SB 844** and grants the Senate a conference thereon, and the conferees be allowed to exceed the differences.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS No. 2** for **SB 844**: Senators Shields, Scott, Vogel, Green and McKenna.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1400**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schmitt, **HCS** for **HB 2058**, with **SCS**, was placed on the Informal Calendar.

Senator Nodler moved that **HCS** for **HB 1316**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 2** was again taken up.

At the request of Senator Callahan, the above amendment was withdrawn.

Senator Keaveny offered **SA 3**:

#### **SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1316, Page 5, Section 55.190, Line 15, by inserting immediately after all of said line the following:

**“92.015. 1. Notwithstanding any other provisions of law to the contrary, any city not within a county may, by ordinance, include as a charge on bills issued for real estate taxes any charge for trash and recycling collection, whether designated a service charge under section 260.215 or otherwise. Any city not within a county is authorized to place such trash and recycling collection charges on its real estate tax bill, or upon any other billing, or pursuant to any other method of billing, at its option, and shall be able to collect these charges in the same manner and procedure for collecting real estate taxes.**

**2. Unpaid costs of trash and recycling collection shall be certified to the city collector or other official collecting taxes by the department or division of the city not within a county which has responsibility for trash and recycling collection. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.”; and**

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Justus offered **SA 4**:

#### **SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1316, Page 27, Section 140.420, Line 11, by inserting immediately after all of said line the following:

**“141.535. 1. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the court shall stay the sale of any tax parcel to be sold under execution of a tax foreclosure judgment obtained under this chapter, which is the subject of an action filed under sections 447.620 to 447.640, provided that the party which has brought such an action has paid into the circuit court the principal amount of all land taxes then due and owing under the tax foreclosure judgment, exclusive of penalties, interest, attorney fees, and court costs, prior to the date of any proposed sale under execution. The party bringing such action shall provide written notice of the filing of the action to the court administrator and file with the circuit court in which the action is pending a certificate that such notice has been provided to the court administrator.**

**2. Upon the granting by the court of temporary possession of any property under section 447.632 and again upon the approval by the court of a sheriff’s deed under section 447.625, the circuit court shall direct payment to the county collector of all principal land taxes theretofore paid into the circuit court. In addition, in any order granting a sheriff’s deed under section 447.625, the court shall also order the permanent extinguishment of liability against the grantee of the sheriff’s deed, and all successors in interest; excepting however, any defendant in such action, for penalties, interest, attorney fees, and court costs arising from actions to collect delinquent land taxes due on the subject property. The funds paid into the court for land taxes shall then be paid to the county collector. If an owner of such a property moves the court for restoration of the subject property under section 447.638, the owner shall pay into the circuit court all land tax amounts currently due and owing on the property, including all statutory penalties, interest, attorney fees, and court costs retroactive to the date of accrual.**

**3. If the party which brought the action under sections 447.620 to 447.640 dismisses its action prior to gaining temporary possession of the property, it shall recover any amounts paid into the circuit court prior to that date for principal land taxes.**

**4. In the event that an owner of the tax parcel regains possession under section 447.638, the party which brought the action under sections 447.620 to 447.640 shall recover from that owner an amount equal to that paid into the court by said party and paid to the county collector under this section, and shall be granted judgment thereon.”; and**

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1316, Page 5, Section 55.190, Line 15, by inserting immediately after all of said line the following:

**“67.110. 1. Each political subdivision in the state, except counties and any political subdivision located at least partially within any county with a charter form of government or any political subdivision located at least partially within any city not within a county, shall fix its ad valorem property tax rates as provided in this section not later than September first for entry in the tax books. Each political subdivision located, at least partially, within a county with a charter form of government or within a city not within a county shall fix its ad valorem property tax rates as provided in this section not later than October first for entry**



in the tax books for each calendar year after December 31, 2008. Before the governing body of each political subdivision of the state, except counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall present to its governing body the following information for each tax rate to be levied: the assessed valuation by category of real, personal and other tangible property in the political subdivision as entered in the tax book for the fiscal year for which the tax is to be levied, as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivisions for the preceding taxable year, the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rate proposed to be set. Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by [September first] **the date provided under this section for such political subdivision**, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year.

2. The governing body shall hold at least one public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The governing body shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one newspaper qualified under the laws of the state of Missouri of general circulation in the county within which all or the largest portion of the political subdivision is situated, or such notice shall be posted in at least three public places within the political subdivision; except that, in any county of the first class having a charter form of government, such notice may be published in a newspaper of general circulation within the political subdivision even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the political subdivision for the fiscal year for which the tax is to be levied as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivision for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this chapter. Following the hearing the governing body of each political subdivision shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this section absolves political subdivisions of responsibilities under section 137.073, RSMo, nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

3. Each political subdivision of the state shall fix its property tax rates in the manner provided in this section for each fiscal year which begins after December 31, 1976. New or increased tax rates for political subdivisions whose taxes are collected by the county collector approved by voters after September first of any year shall not be included in that year's tax levy except for any new tax rate ceiling approved pursuant to section 71.800, RSMo.

4. In addition to the information required under subsections 1 and 2 of this section, each political subdivision shall also include the increase in tax revenue due to an increase in assessed value as a result of new construction and improvement and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.”; and

Further amend said bill, section 137.180, page 7, line 78, by inserting immediately after all of said line the following:

“137.243. 1. To determine the “projected tax liability” required by subsections 2 and 3 of section 137.180, subsection 2 of section 137.355, and subsection 2 of section 137.490, the assessor, on or before March first of each **odd-numbered** tax year, shall provide the clerk with the assessment book which for this purpose shall contain the real estate values for that year, the prior year’s state assessed values, and the prior year’s personal property values. On or before March fifteenth, the clerk shall make out an abstract of the assessment book showing the aggregate amounts of different kinds of real, personal, and other tangible property and the valuations of each for each political subdivision in the county, or in the city for any city not within a county, entitled to levy ad valorem taxes on property except for municipalities maintaining their own tax or assessment books. The governing body of each political subdivision or a person designated by the governing body shall use such information to informally project a nonbinding tax levy for that year and return such projected tax levy to the clerk no later than April eighth. The clerk shall forward such information to the collector who shall then calculate and, no later than April thirtieth, provide to the assessor the projected tax liability for each real estate parcel for which the assessor intends to mail a notice of increase pursuant to sections 137.180, 137.355, and 137.490.

2. Political subdivisions located at least partially within two or more counties, which are subject to divergent time requirements, shall comply with all requirements applicable to each such county and may utilize the most recent available information to satisfy such requirements.

3. Failure by an assessor to timely provide the assessment book or notice of increased assessed value, as provided in this section, may result in the state tax commission withholding all or a part of the moneys provided under section 137.720 and all state per-parcel reimbursement funds which would otherwise be made available to such assessor.

4. Failure by a political subdivision to provide the clerk with a projected tax levy in the time prescribed under this section shall result in a twenty percent reduction in such political subdivision’s tax rate for the tax year, unless such failure is a direct result of a delinquency in the provision of, or failure to provide, information required by this section by the assessor or the clerk. If a political subdivision fails to provide the projected tax rate as provided in this section, the clerk shall notify the state auditor who shall, within seven days of receiving such notice, estimate a nonbinding tax levy for such political subdivision and return such to the clerk. The clerk shall notify the state auditor of any applicable reduction to a political subdivision’s tax rate.

5. Any taxing district wholly within a county with a township form of government may, through a request submitted by the county clerk, request that the state auditor’s office estimate a nonbinding projected tax rate based on the information provided by the county clerk. The auditor’s office shall return the projected tax rate to the county clerk no later than April eighth.

6. The clerk shall deliver the abstract of the assessment book to each taxing district with a notice stating that their projected tax rates be returned to the clerk by April eighth.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Keaveny offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1316, Page 5, Section 55.190, Line 15, by inserting after all of said line the following:

“92.715. 1. The collectors of cities operating under the provisions of sections 92.700 to 92.920 shall proceed to collect the taxes contained in the back tax book or [record] **recorded** list of the delinquent land and lots in the collector’s office as herein required.

2. Any person interested in or the owner of any tract of land or lot contained in the back tax book or in the recorded list of delinquent lands and lots in the collector’s office may redeem such tract of land or town lot, or any part thereof, from the state’s or such city’s lien thereon, by paying to the proper collector the amount of the original taxes, together with interest from the date of delinquency at the rate of [one] **two** percent per month with a maximum rate of [ten] **eighteen** percent per annum and the costs. [For any delinquency occurring after January 1, 2000, the rate shall not exceed the prime rate, which shall mean the average predominant prime rate quoted by commercial banks to large businesses, as determined by the board of governors of the Federal Reserve System.]

3. If suit shall have been commenced against any tract of land or town lot for the collection of taxes, the person desiring to redeem any such land before judgment, in addition to the original tax, interest and costs including attorney’s fee accruing under this law, shall pay to the city collector all necessary costs incurred in the court where the suit is pending, and the city collector shall account to the clerk of the court in which said suit is filed for the court costs so collected.

4. The provisions of the law with reference to the compromise of taxes shown on the back tax book or recorded list of delinquent land and lots in the collector’s office shall apply to and shall also authorize the compromise of any judgment for taxes after the same had been rendered therefor and up to that time when the property shall be sold under execution issued on said judgment; such compromise to be authorized by the same officials and under the same conditions as set forth under existing law for the compromise of taxes. The comptroller of any city operating under the provisions of sections 92.700 to 92.920 shall serve in lieu of the county commission. The comptroller shall also have the right to correct manifest errors.”; and

Further amend said bill, Page 14, Section 140.080, Line 7, by inserting after all of said line the following:

“140.100. 1. Each tract of land in the back tax book, in addition to the amount of tax delinquent, shall be charged with a penalty of eighteen percent of each year’s delinquency except that the penalty on lands redeemed prior to sale shall not exceed two percent per month or fractional part thereof. [In any city not within a county which elects to operate under the provisions of this chapter pursuant to section 141.970, RSMo, the maximum penalty on any delinquency occurring after January 1, 2000, shall not exceed the prime rate, which shall mean the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.]

2. For making and recording the delinquent land lists, the collector and the clerk shall receive ten cents per tract or lot and the clerk shall receive five cents per tract or lot for comparing and authenticating such list.”; and

Further amend said bill, Page 27, Section 140.420, Line 11, by inserting after all of said line the following:

“141.830. 1. The collectors of such cities not within a county shall proceed to collect the taxes contained in the back tax book or recorded list of the delinquent land and lots in the collector’s office as herein required.

2. Any person interested in or the owner of any tract of land or lot contained in the back tax book or in the recorded list of delinquent lands and lots in the collector’s office may redeem such tract of land or town lot, or any part thereof, from the state’s or such city’s lien thereon, by paying to the proper collector the amount of the original taxes, together with interest from the date of delinquency at the rate of ten percent per annum and the costs until January 1, 1983, and beginning on January 1, 1983, at the rate of **two percent per month, not to exceed** eighteen percent per annum and the costs. [For any delinquency occurring after January 1, 2000, the rate shall not exceed the prime rate, which shall mean the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.]

3. If suit shall have been commenced against any person owing taxes on any tract of land or town lot for the collection of taxes, the person desiring to redeem any such land before judgment, in addition to the original tax, interest and costs including attorney’s fee accruing under this law, shall pay to the city collector all necessary costs incurred in the court where the suit is pending, and the city collector shall account to the clerk of the court in which such suit is filed for the court costs so collected.”; and

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1316, Page 5, Section 55.190, Line 15, by inserting after all of said line the following:

**“67.2050. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:**

- (1) **“Facility”, a location composed of real estate, buildings, fixtures, machinery, and equipment;**
- (2) **“Municipality”, any county, city, incorporated town, or village of the state;**

(3) **“NAICS”, the 2007 edition of the North American Industry Classification System developed under the direction and guidance of the federal Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;**

(4) **“Technology business facility”, a facility purchased, constructed, extended, or improved under this section, provided that such business facility is engaged in:**

(a) **Data processing, hosting, and related services (NAICS 518210); or**

(b) **Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;**

(5) **“Technology business facility project” or “project”, the purchase, construction, extension, and improvement of technology business facilities, whether of the facility as a whole or of any one or more**

of the facility's components of real estate, buildings, fixtures, machinery, and equipment.

2. The governing body of any municipality may:

(1) Carry out technology business facility projects for economic development under this section;

(2) Accept grants from the federal and state governments for technology business facility project purposes, and may enter into such agreements as are not contrary to the laws of this state and which may be required as a condition of grants by the federal government or its agencies; and

(3) Receive gifts and donations from private sources to be used for technology business facility project purposes.

3. The governing body of the municipality may enter into loan agreements, sell, lease, or mortgage to private persons, partnerships, or corporations any one or more of the components of a facility received, purchased, constructed, or extended by the municipality for development of a technology business facility project. The loan agreement, installment sale agreement, lease, or other such document shall contain such other terms as are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with this section. When, in the judgment of the governing body of the municipality, the technology business facility project will result in economic benefits to the municipality, the governing body may lawfully enter into an agreement that includes nominal monetary consideration to the municipality in exchange for the use of one or more components of the facility.

4. Transactions involving the lease or rental of any components of a project under this section shall be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745.

5. Leasehold interests granted and held under this section shall not be subject to property taxes.

6. Any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.

7. The county assessor shall include the current assessed value of all property within the affected taxing entities in the aggregate valuation of assessed property entered upon the assessor's book and verified under section 137.245, and such value shall be used for the purpose of the debt limitation on local government under section 26(b), article VI, Constitution of Missouri.

8. The governing body of any municipality may sell or otherwise dispose of the property, buildings, or plants acquired under this section to private persons or corporations for technology business facility project purposes upon approval by the governing body. The terms and method of the sale or other disposal shall be established by the governing body so as to reasonably protect the economic well-being of the municipality and to promote the development of technology business facility projects. A private person or corporation that initially transfers property to the municipality for the purposes of a technology business facility project and does not charge a purchase price to the

**municipality shall retain the right, upon request to the municipality, to have the municipality retransfer the donated property to the person or corporation at no cost.”; and**

135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) “Average wage”, the new payroll divided by the number of new jobs;

(2) “Blighted area”, an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(3) “Board”, an enhanced enterprise zone board established pursuant to section 135.957;

(4) **“Certified site zone”, an area of real property that:**

**(a) Encompasses not less than fifty acres that has been approved as a certified site by the department;**

**(b) Has been found to be blighted by the governing authority; and**

**(c) Is located in a census tract which has a poverty rate of fifteen percent or more, or for which the median income is less than:**

**a. Statewide median income; or**

**b. The metropolitan median income for the metropolitan statistical area in which the certified site zone is located;**

**(5) “Certified site”, an area of property designated as a certified site by the department under the certified sites program;**

**(6) “Commencement of commercial operations” shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;**

**[(5)] (7) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, such taxpayer shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;**

**[(6)] (8) “Department”, the department of economic development;**

**[(7)] (9) “Director”, the director of the department of economic development;**

**(10) “Dormant manufacturing plant zone”, an area of real property:**

**(a) Encompassing not less than two hundred fifty acres that, within five years of the date of the notice of intent, was predominantly used for manufacturing or assembly and employed not less than**

three thousand persons but has since ceased all activity;

(b) That has been found, by an ordinance adopted by the governing body, to be a blighted area and designated for redevelopment; and

(c) That:

a. Is located in a census tract with, according to United States Census Bureau's American Community Survey based on the most recent of five-year period estimated data in which the estimate ends in either zero or five, a poverty rate of fifteen percent or more, or the median household income is below the statewide median household income or the metropolitan median household income for the metropolitan statistical area in which the property is located; or

b. Involves funding provided by a federal agency of at least one million dollars to facilitate the redevelopment of such property;

[(8)] (11) "Employee", a person employed by the enhanced business enterprise that is scheduled to work an average of at least one thousand hours per year, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;

[(9)] (12) "Enhanced business enterprise", an industry or one of a cluster of industries that is either:

(a) Identified by the department as critical to the state's economic security and growth, **or in the case of a business enterprise located in a certified site zone, will also include data processing, hosting, and related services (NAICS 518210) and internet publishing, broadcasting, and web search portals (NAICS 519130);** or

(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved **or deemed approved** by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

[(10)] (13) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior to an expansion, acquisition, addition, or replacement;

[(11)] (14) "Facility", any building used as an enhanced business enterprise located within an enhanced enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

[(12)] (15) "Facility base employment", the greater of the number of employees located at the facility on the date of the notice of intent, or for the twelve-month period prior to the date of the notice of intent, the average number of employees located at the facility, or in the event the project facility has not been in

operation for a full twelve-month period, the average number of employees for the number of months the facility has been in operation prior to the date of the notice of intent;

[(13)] **(16)** “Facility base payroll”, the total amount of taxable wages paid by the enhanced business enterprise to employees of the enhanced business enterprise located at the facility in the twelve months prior to the notice of intent, not including the payroll of owners of the enhanced business enterprise unless the enhanced business enterprise is participating in an employee stock ownership plan. For the purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

[(14)] **(17)** “Governing authority”, the body holding primary legislative authority over a county or incorporated municipality;

[(15)] **(18)** “Megaproject”, any manufacturing or assembling facility, approved by the department for construction and operation within an enhanced enterprise zone, which satisfies the following:

(a) The new capital investment is projected to exceed three hundred million dollars over a period of eight years from the date of approval by the department;

(b) The number of new jobs is projected to exceed one thousand over a period of eight years beginning on the date of approval by the department;

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

[(16)] **(19)** “NAICS”, the [1997] **2007** edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

[(17)] **(20)** “New business facility”, a facility that satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer’s only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed



immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the same or a substantially similar enhanced business enterprise is not continued by the taxpayer at such facility; and

(d) Such facility is not a replacement business facility, as defined in subdivision [(25)] **(28)** of this section;

[(18)] **(21)** “New business facility employee”, an employee of the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.967 **or section 135.969** is claimed, except that truck drivers and rail and barge vehicle operators and other operators of rolling stock for hire shall not constitute new business facility employees;

[(19)] **(22)** “New business facility investment”, the value of real and depreciable tangible personal property, acquired by the taxpayer **or on its behalf in the case of a lease**, as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by **section 135.967 or 135.969** is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

[(20)] **(23)** “New job”, the number of employees located at the facility that exceeds the facility base employment less any decrease in the number of the employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

[(21)] **(24)** “Notice of intent”, a form developed by the department which is completed by the enhanced business enterprise and submitted to the department which states the enhanced business enterprise’s intent to hire new jobs and request benefits under such program;

[(22)] **(25)** “Related facility”, a facility operated by the enhanced business enterprise or a related company in this state that is directly related to the operation of the project facility;

[(23)] **(26)** “Related facility base employment”, the greater of:

(a) The number of employees located at all related facilities on the date of the notice of intent; or

(b) For the twelve-month period prior to the date of the notice of intent, the average number of employees located at all related facilities of the enhanced business enterprise or a related company located in this state;

[(24)] **(27)** “Related taxpayer”:

(a) A corporation, partnership, trust, or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. “Control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, and “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

[(25)] **(28)** “Replacement business facility”, a facility otherwise described in subdivision [(17)] **(20)** of this section, hereafter referred to in this subdivision as “new facility”, which replaces another facility, hereafter referred to in this subdivision as “old facility”, located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year for which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer’s or related taxpayer’s taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of an enhanced business enterprise and the taxpayer continues the operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer’s new business facility investment, as computed in subdivision [(19)] **(22)** of this section, in the new facility during the tax period for which the credits allowed in section 135.967 or **135.969** are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

[(26)] **(29)** “Same or substantially similar enhanced business enterprise”, an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.

135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

(1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and

(2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:

(a) Within the state of Missouri, according to the last decennial census or other appropriate source as approved by the director; or

(b) Within the county or city not within a county in which the area is located, according to the last decennial census or other appropriate source as approved by the director; and

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

(4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:

- (a) The state of Missouri over the previous twelve months; or
- (b) The county or city not within a county over the previous twelve months.

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100, RSMo, due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a “county of declining population” is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

**4. Notwithstanding the requirements of subsection 1 of this section to the contrary, a certified site zone or a dormant manufacturing plant zone may be designated as an enhanced enterprise zone if the certified site zone or dormant manufacturing plant zone meets the criteria set forth in subdivision (4) of section 135.950 or the dormant manufacturing plant zone meets the criteria set forth in subdivision (10) of section 135.950.**

5. In addition to meeting the requirements of subsection 1, 2, 3, or [3] 4 of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

- (1) The potential to create sustainable jobs in a targeted industry; or
- (2) A demonstrated impact on local industry cluster development.

135.957. 1. A governing authority planning to seek designation of an enhanced enterprise zone shall establish an enhanced enterprise zone board. The number of members on the board shall be seven. One

member of the board shall be appointed by the school district or districts located within the area proposed for designation as an enhanced enterprise zone. One member of the board shall be appointed by other affected taxing districts. The remaining five members shall be chosen by the chief elected official of the county or municipality.

2. The school district member and the affected taxing district member shall each have initial terms of five years. Of the five members appointed by the chief elected official, two shall have initial terms of four years, two shall have initial terms of three years, and one shall have an initial term of two years. Thereafter, members shall serve terms of five years. Each commissioner shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

3. A majority of the members shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the board and for all other purposes. Action may be taken by the board upon a vote of a majority of the members present.

4. The members of the board annually shall elect a chair from among the members.

**5. In the case of a certified site zone or a dormant manufacturing plant zone regarding which a finding of blight has been made as provided in subdivision (1) of subsection 1 of section 99.810, the commission created under section 99.820 may, at the sole option of the governing authority, supplant and replace the board established in accordance with subsection 1 of this section, and the composition and organization of such commission shall be in accordance with section 99.820. If the governing authority elects for such commission to serve in the capacity of the enhanced enterprise zone board instead of the board established in accordance with subsection 1 of this section, the commission shall fulfill the duties of the board established under subsection 6 of this section.**

**6. The role of the board or commission, as described in subsection 5 of this section, shall be to conduct the activities necessary to advise the governing authority on the designation of an enhanced enterprise zone and any other advisory duties as determined by the governing authority. The role of the board after the designation of an enhanced enterprise zone shall be review and assessment of zone activities as it relates to the annual reports as set forth in section 135.960.**

135.960. 1. Any governing authority that desires to have any portion of a city or unincorporated area of a county under its control designated as an enhanced enterprise zone shall hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation. The governing authority shall notify the director of such hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by such designation at least twenty days prior to the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state the time, location, date, and purpose of the hearing. The director, or the director's designee, shall attend such hearing. **In the alternative, any governing authority that has made the necessary findings by ordinance to designate a certified site zone or a dormant manufacturing plant zone as a blighted area as contemplated under subdivision (1) of subsection 1 of section 99.820, prior to December 31, 2010, shall not be required to conduct an additional public hearing to establish the certified site zone or the dormant manufacturing plant zone as an enhanced enterprise zone so long as the governing authority notified the director of such hearing, at least thirty days prior thereto. Any governing authority that seeks to make the necessary finding to designate a certified site zone or**

**a dormant manufacturing plant zone as an enhanced enterprise zone after December 31, 2010, may do so under a public hearing required under sections 99.820 and 99.825 conducted by the commission, and such public hearing shall satisfy the public hearing requirement set forth in subsection 1 of this section so long as the governing authority shall notify the director of such hearing at least thirty days prior thereto.**

2. After a public hearing is held as required in subsection 1 of this section, the governing authority may file a petition with the department requesting the designation of a specific area as an enhanced enterprise zone. Such petition shall include, in addition to a description of the physical, social, and economic characteristics of the area:

(1) A plan to provide adequate police protection within the area;

(2) A specific and practical process for individual businesses to obtain waivers from burdensome local regulations, ordinances, and orders which serve to discourage economic development within the area to be designated an enhanced enterprise zone, except that such waivers shall not substantially endanger the health or safety of the employees of any such business or the residents of the area;

(3) A description of what other specific actions will be taken to support and encourage private investment within the area;

(4) A plan to ensure that resources are available to assist area residents to participate in increased development through self-help efforts and in ameliorating any negative effects of designation of the area as an enhanced enterprise zone;

(5) A statement describing the projected positive and negative effects of designation of the area as an enhanced enterprise zone;

(6) A specific plan to provide assistance to any person or business dislocated as a result of activities within the enhanced enterprise zone. Such plan shall determine the need of dislocated persons for relocation assistance; provide, prior to displacement, information about the type, location, and price of comparable housing or commercial property; provide information concerning state and federal programs for relocation assistance and provide other advisory services to displaced persons. Public agencies may choose to provide assistance under the Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. Section 4601, et seq., to meet the requirements of this subdivision; and

(7) A description or plan that demonstrates the requirements of subsection 4 of section 135.953.

3. An enhanced enterprise zone designation shall be effective upon such approval **or deemed approval** by the department and shall expire in twenty-five years. **Notwithstanding the requirement of subsection 2 of this section to the contrary, any certified site zone or dormant manufacturing plant zone that has been designated as a blighted or redevelopment area as contemplated under subdivision (1) of subsection 1 of section 99.820 by the governing body or any certified site zone or dormant manufacturing plant zone that has been otherwise designated as an enhanced enterprise zone by the governing authority under this section shall be deemed approved and designated as an enhanced enterprise zone without further approval of or additional action being taken by the department. Such approval of the department of the certified site zone or dormant manufacturing plant zone as an enhanced enterprise zone and the designation of the certified site zone or dormant manufacturing plant zone as an enhanced enterprise zone shall be deemed effective when the governing authority provides written notice to the department of its intent to establish such enhanced enterprise zone and**

**such notice is accompanied with a petition that includes all of the information required by subsection 2 of this section and, as applicable, an acknowledgment by the governing authority that the provisions of subdivision (7) of subsection 3 of section 137.115 shall apply to certain tangible personal property in such area.**

4. Each designated enhanced enterprise zone board shall report to the director on an annual basis regarding the status of the zone and business activity within the zone.

135.963. 1. Improvements made to real property as such term is defined in section 137.010, RSMo, which are made in an enhanced enterprise zone subsequent to the date such zone or expansion thereto was designated, may, upon approval of an authorizing resolution by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. In addition to enhanced business enterprises, a speculative industrial or warehouse building constructed by a public entity or a private entity if the land is leased by a public entity may be subject to such exemption.

2. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions, or stipulations otherwise required. A copy of the resolution shall be provided to the director within thirty calendar days following adoption of the resolution by the governing authority.

3. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing.

4. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enhanced enterprise zone of enhanced business enterprises or speculative industrial or warehouse buildings as indicated in subsection 1 of this section shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for enhanced business enterprises. The exemption for speculative buildings is subject to the approval of the governing authority for a period not to exceed two years if the building is owned by a private entity and five years if the building is owned or ground leased by a public entity. This shall not preclude the building receiving an exemption for the remaining time period established by the governing authority if it was occupied by an enhanced business enterprise. The two- and five-year time periods indicated for speculative buildings shall not be an addition to the local abatement time period for such facility.

5. No exemption shall be granted for a period more than twenty-five years following the date on which the original enhanced enterprise zone was designated **or deemed approved** by the department.

6. The provisions of subsection 1 of this section shall not apply to improvements made to real property begun prior to August 28, 2004.

7. The abatement referred to in this section shall not relieve the assessor or other responsible official

from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855, 99.957, or 99.1042, RSMo, and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection 1 of section 99.845, RSMo, subdivision (2) of subsection 3 of section 99.957, RSMo, or subdivision (2) of subsection 3 of section 99.1042, RSMo, unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942, or section 99.1027, RSMo.

**8. As applicable, before the provisions of subdivision (7) of subsection 3 of section 137.115 become effective in an enhanced enterprise zone, each local political subdivision that currently levies an ad valorem tax on tangible personal property within the boundaries of the enhanced enterprise zone shall adopt a resolution providing that the provisions of subdivision (7) of subsection 3 of section 137.115 shall apply to tangible personal property in such case.**

135.967. 1. A taxpayer who establishes a new business facility may, upon approval by the department, be allowed a credit, each tax year for up to ten tax years, in an amount determined as set forth in this section, against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo. No taxpayer shall receive multiple [ten-year] **five-year** periods for subsequent expansions at the same facility. **Notwithstanding the provisions of this subsection, the provisions of section 135.969 shall govern the issuance of tax credits for a new business facility in a certified site zone or dormant manufacturing plant zone approved and designated as an enhanced enterprise zone, except for the amount of tax credits to be issued with respect to such certified site zone or dormant manufacturing plant zone as provided in subsection 5 of this section.**

2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes a new business facility in an enhanced enterprise zone and is awarded state tax credits under this section may not also receive tax credits under sections 135.100 to 135.150, sections 135.200 to 135.286, or section 135.535, and may not simultaneously receive tax credits under sections 620.1875 to 620.1890, RSMo, at the same facility.

3. No credit shall be issued pursuant to this section unless:

(1) The number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds two; and

(2) The new business facility investment for the taxable year for which the credit is claimed equals or exceeds one hundred thousand dollars.

4. The annual amount of credits allowed for an approved enhanced business enterprise shall be the lesser of:

(1) The annual amount authorized by the department for the enhanced business enterprise, which shall be limited to the projected state economic benefit, as determined by the department; or

(2) [The sum calculated based upon] **An amount not to exceed the sum of** the following:

(a) [A credit of four hundred dollars for each new business facility employee employed within an enhanced enterprise zone;

(b) An additional credit of four hundred dollars for each new business facility employee who is a resident of an enhanced enterprise zone] **A tax credit up to five percent of the gross wages of each new business facility employee employed within the enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage**

**is below the county average wage, up to three percent; and**

**(b) A tax credit up to one percent of new business facility investment within an enhanced enterprise zone made during the current taxable year if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, up to one-half percent;**

(c) An additional credit of four hundred dollars for each new business facility employee who is paid by the enhanced business enterprise a wage that exceeds the average wage paid within the county in which the facility is located, as determined by the department; and

(d) A credit equal to two percent of new business facility investment within an enhanced enterprise zone.

5. Prior to January 1, 2007, in no event shall the department authorize more than four million dollars annually to be issued for all enhanced business enterprises. After December 31, 2006, in no event shall the department authorize more than twenty-four million dollars annually to be issued for all enhanced business enterprises **including any such enhanced business enterprises located in certified site zones or dormant manufacturing plant zones under section 135.969.**

6. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered eligible for the credit allowed by this section if:

(1) The taxpayer's new business facility investment in the expansion during the tax period in which the credits allowed in this section are claimed exceeds one hundred thousand dollars and if the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which credit is claimed equals or exceeds two, and the total number of employees at the facility after the expansion is at least two greater than the total number of employees before the expansion; and

(2) The taxpayer's investment in the expansion and in the original facility prior to expansion shall be determined in the manner provided in subdivision [(19)] **(22)** of section 135.950.

7. The number of new business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the new business facility is in operation for less than the entire taxable year, the number of new business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision [(17)] **(20)** of section 135.950, or subdivision [(25)] **(28)** of section 135.950, the number of new business facility employees at such facility shall be reduced by the average number of individuals employed, computed as provided in this subsection, at the facility during the taxable year immediately preceding the taxable year in which such expansion, acquisition, or replacement occurred and shall further be reduced by the number of individuals employed by the taxpayer or related taxpayer that was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

8. In the case where a new business facility employee who is a resident of an enhanced enterprise zone



for less than a twelve-month period is employed for less than a twelve-month period, the credits allowed by paragraph (b) of subdivision (2) of subsection 4 of this section shall be determined by multiplying four hundred dollars by a fraction, the numerator of which is the number of calendar days during the taxpayer's tax year for which such credits are claimed, in which the employee was a resident of an enhanced enterprise zone, and the denominator of which is three hundred sixty-five.

9. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility pursuant to subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision [(17)] **(20)** of section 135.950 or subdivision [(25)] **(28)** of section 135.950, the amount of the taxpayer's new business facility investment in such facility shall be reduced by the average amount, computed as provided in subdivision [(19)] **(22)** of section 135.950 for new business facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding such expansion or replacement or at the time of acquisition. Furthermore, the amount of the taxpayer's new business facility investment shall also be reduced by the amount of investment employed by the taxpayer or related taxpayer which was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

10. For a taxpayer with flow-through tax treatment to its members, partners, or shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period.

11. Credits may not be carried forward but shall be claimed for the taxable year during which commencement of commercial operations occurs at such new business facility, and for each of the nine succeeding taxable years for which the credit is issued.

12. Certificates of tax credit authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. The sale price cannot be less than seventy-five percent of the par value of such credits.

13. The director of revenue shall issue a refund to the taxpayer to the extent that the amount of credits allowed in this section exceeds the amount of the taxpayer's income tax.

14. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the

applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

**135.969. 1. A taxpayer who establishes a new business facility in a certified site zone or a dormant manufacturing plant zone approved or designated as an enhanced enterprise zone shall receive a tax credit each tax year for five tax years, in an amount determined as set forth in this section, against the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265. No taxpayer shall receive multiple five-year periods for subsequent expansions at the same facility.**

**2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes a new business facility in a certified site zone or dormant manufacturing plant zone approved or designated as an enhanced enterprise zone and accepts state tax credits under this section shall not also receive tax credits or other benefits for the same new jobs under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, section 135.967, or sections 620.1875 to 620.1890 unless such benefits are determined to be necessary by the department.**

**3. The taxpayer shall be entitled to receive the tax credit upon satisfaction of one of the following criteria:**

**(1) The number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds nine; or**

**(2) The new business facility investment for the taxable year for which the credit is claimed equals or exceeds five hundred thousand dollars.**

**4. The annual amount of tax credits to be issued for an enhanced business enterprise located in a certified site zone or dormant manufacturing plant zone shall be equal to the lesser of:**

**(1) The annual amount of projected state economic benefit for such enhanced business enterprise, as determined by the department; or**

**(2) An annual amount equal to the sum of the following:**

**(a) A tax credit equal to seven percent of the gross wages of each new business facility employee employed within the enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, equal to four percent; and**

**(b) A tax credit equal to two percent of new business facility investment within an enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, equal to one percent.**

**5. As set forth in section 135.967, up to twenty-four million dollars of tax credits shall be authorized annually for issuance of tax credits for all enhanced enterprise zones, including any tax credits issued with respect to certified site zones and dormant manufacturing plant zones, of which ten million shall be used exclusively for tax credits attributable to taxpayers in accordance with this section who establish new business facilities in a certified site zone qualified as such under subdivision (4) of section 135.950, provided that for calendar years 2010 and 2011, the ten million dollar limitation may be reduced to equal the balance of tax credits available under the entire program if, as of August 28, 2010, the department has made irrevocable allocations to qualified applicants for tax credits under section 135.967 such that the total of all available tax credit capacity of this program is less than ten**

million dollars. Beginning January 1, 2011, if no such taxpayer or taxpayers have applied for tax credits attributable to new business facilities in a certified site zone qualified as such under subdivision (4) of section 135.950 by November fifteenth of each calendar year for the entire ten million dollars, or such lesser amount as computed for calendar years 2010 and 2011, any remaining tax credits for which an application has not been made will be available for issuance for all enhanced enterprise zones for that calendar year. If a new business facility investment in a certified site zone qualified as such under subdivision (4) of section 135.950 qualifies the taxpayer for tax credits under subsection 4 of this section, in excess of the available annual authorization limit set forth in this subsection, the taxpayer may carry such excess new business facility investment amount forward to subsequent years and such excess shall be treated as a new business facility investment for such later taxable years until the taxpayer has received issuance of all tax credits authorized under this section, and, for each such taxable year, the taxpayer shall receive such tax credits on a pro rata basis with other applicants for the tax credits if there are other applicants.

6. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered eligible for the credit allowed by this section if:

(1) The taxpayer's new business facility investment in the expansion during the tax period in which the credits allowed in this section are claimed exceeds five hundred thousand dollars and if the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which credit is claimed equals or exceeds two, and the total number of employees at the facility after the expansion is at least two greater than the total number of employees before the expansion; and

(2) The taxpayer's investment in the expansion and in the original facility prior to expansion shall be determined in the manner provided in subdivision (22) of section 135.950.

7. The number of new business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the new business facility is in operation for less than the entire taxable year, the number of new business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision (20) or (28) of section 135.950, the number of new business facility employees at such facility shall be reduced by the average number of individuals employed, computed as provided in this subsection, at the facility during the taxable year immediately preceding the taxable year in which such expansion, acquisition, or replacement occurred and shall further be reduced by the number of individuals employed by the taxpayer or related taxpayer that was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

8. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business

facility which satisfies the requirements of paragraph (c) of subdivision (20) or (28) of section 135.950, the amount of the taxpayer's new business facility investment in such facility shall be reduced by the average amount, computed as provided in subdivision (22) of section 135.950 for new business facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding such expansion or replacement or at the time of acquisition. Furthermore, the amount of the taxpayer's new business facility investment shall also be reduced by the amount of investment employed by the taxpayer or related taxpayer which was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

9. For a taxpayer with flow-through tax treatment to its members, partners, or shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period.

10. Except as allowed in subsection 5 of this section, credits may not be carried forward but shall be claimed for the taxable year during which commencement of commercial operations occurs at such new business facility, and for each of the nine succeeding taxable years for which the credit is issued.

11. Certificates of tax credit authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. The sale price cannot be less than seventy-five percent of the par value of such credits.

12. The director of revenue shall issue a refund to the taxpayer to the extent that the amount of credits allowed in this section exceeds the amount of the taxpayer's income tax.

13. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in

subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and
- (2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:
  - (a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; [and]

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent; **and**

**(7) In any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, tools, telecommunications equipment, power production and transmission machinery and equipment, data processing machinery and equipment, and other machinery and equipment that is used in an enhanced enterprise zone designated as such a zone for a certified site zone as defined in subdivision (4) of section 135.950, one-half of one percent.**

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation.

The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.”; and

Further amend said bill, Page 27, Section 140.420, Line 11, by inserting after all of said line the following:

“144.054. 1. As used in this section, the following terms mean:

(1) “Processing”, any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) “Recovered materials”, those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of



the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085, RSMo, and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, RSMo, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business, **and all tangible personal property, including tools, telecommunications equipment, power production and transmission machinery and equipment and data processing machinery and equipment, and any other tools, materials, machinery, or equipment used or consumed in an enhanced enterprise zone designated as such a zone for a certified site zone as defined in subdivision (4) of section 135.950.**

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669, RSMo.

**144.810. 1. As used in this section, unless the context clearly indicates otherwise, the following terms shall mean:**

(1) **“Commencement of commercial operations”**, shall be deemed to occur during the first calendar year for which the data storage center or server farm facility is first available for use by the operating taxpayer, or first capable of being used by the operating taxpayer, as a data storage center or server farm facility;

(2) **“Constructing taxpayer”**, where more than one taxpayer is responsible for a project, a taxpayer responsible for the purchase or construction of the facility, as opposed to a taxpayer

responsible for the equipping and ongoing operations of the facility;

(3) “Data storage center” or “server farm facility” or “facility”, a facility purchased, constructed, extended, improved or operating under this section, provided that such business facility is engaged in:

(a) Data processing, hosting, and related services (NAICS 518210); or

(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;

(4) “Existing facility”, a data storage center or server farm facility in this state as it existed prior to August 28, 2010, as determined by the department;

(5) “Expanding facility” or “expanding data storage center or server farm facility”, an existing facility or replacement facility that expands its operations in this state on or after August 28, 2010, and has net new investment related to the expansion of operations in this state of at least one million dollars during a period of up to twelve consecutive months. An expanding facility shall continue to be an expanding facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(6) “Expanding facility project” or “expanding data storage center or server farm facility project”, the purchase, construction, extension, improvement equipping and operation of an expanding facility;

(7) “NAICS”, the 2007 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

(8) “New facility” or “new data storage center or server farm facility”, a facility in this state meeting the following requirements:

(a) The facility is acquired by, or leased to, an operating taxpayer on or after August 28, 2010. A facility shall be deemed to have been acquired by, or leased to, an operating taxpayer on or after August 28, 2010, if the transfer of title to an operating taxpayer, the transfer of possession pursuant to a binding contract to transfer title to an operating taxpayer, or the commencement of the term of the lease to an operating taxpayer occurs on or after August 28, 2010, or, if the facility is constructed, erected or installed by or on behalf of an operating taxpayer, such construction, erection or installation is commenced on or after August 28, 2010;

(b) If such facility was acquired by an operating taxpayer from another person or persons on or after August 28, 2010, and such facility was employed prior to August 28, 2010, by any other person or persons in the operation of a data storage center or server farm facility, the facility shall not be considered a new facility;

(c) Such facility is not a replacement facility, as defined in subdivision (12) of this section;

(d) The new facility project investment is at least five million dollars during a period of up to thirty-six consecutive months. Where more than one taxpayer is responsible for a project, the investment requirement may be met by an operating taxpayer, a constructing taxpayer or a combination of constructing taxpayers and operating taxpayers; and

(e) A new facility shall continue to be a new facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(9) “New data storage center or server farm facility project” or “new facility project”, the purchase, construction, extension, improvement equipping and operation of a new facility;

(10) “Operating taxpayer”, where more than one taxpayer is responsible for a project, a taxpayer responsible for the equipping and ongoing operations of the facility, as opposed to a taxpayer responsible for the purchasing or construction of the facility;

(11) “Project taxpayers”, each constructing taxpayer and each operating taxpayer for a data storage center or server farm facility project;

(12) “Replacement facility” or “replacement data storage center or server farm facility”, a facility in this state otherwise described in subdivision (8) of this section, but which replaces another facility located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating within one year prior to the commencement of commercial operations at the new facility;

(13) “Taxpayer”, the purchaser of tangible personal property or a service that is subject to state or local sales or use tax and from whom state or local sales or use tax is owed. Taxpayer shall not mean the seller charged by law with collecting the sales tax from the purchaser.

2. Beginning August 28, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235:

(1) All electrical energy, gas, water, and other utilities including telecommunication services used in a new data storage center or server farm facility;

(2) All machinery, equipment, and computers used in any new data storage center or server farm facility; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any new data storage center or server farm facility.

3. Any data storage center and server farm facility project seeking a tax exemption under subsection 2 of this section shall submit a project plan to the department of economic development, including identifying each known constructing taxpayer and each known operating taxpayer for the project. The department of economic development shall determine whether the project is eligible for the exemption under subsection 2 of this section conditional upon subsequent verification by the department that the project meets the requirement in paragraph (d) of subdivision (8) of subsection 1 of this section of at least five million dollars of new facility investment over a time period not to exceed thirty-six consecutive months. The department of economic development shall convey such conditional approval to the department of revenue and the identified project taxpayers. After a conditionally approved new facility project has met the investment amount, the project taxpayers shall provide proof of such investment to the department of economic development. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption dating retroactively to the first day of the thirty-six month period or the first day of the new investment in the event the investment is met in less than

thirty-six months. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of the thirty-six month period, or the first day of the new investment in the event the investment is met in less than thirty-six months, shall issue a refund of sales taxes paid as set forth in this section to each operating taxpayer and each constructing taxpayer and issue a certificate of exemption to each new project taxpayer for ongoing exemptions under subdivisions (1), (2), and (3) of subsection 2 of this section.

4. Beginning August 28, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235:

(1) All electrical energy, gas, water, and other utilities including telecommunication services used in an expanding data storage center or server farm facility which, on an annual basis, exceeds the amount of electrical energy, gas, water, and other utilities including telecommunication services used in the existing facility or the replaced facility prior to the expansion. Amount shall be measured in kilowatt hours, gallons, cubic feet or other measures applicable to a utility service as opposed to in dollars, to account for increases in rates;

(2) All machinery, equipment, and computers used in any expanding data storage center or server farm facility, the cost of which, on an annual basis, exceeds the average of the previous three years' expenditures on machinery, equipment, and computers at the existing facility or the replaced facility prior to the expansion. Existing facilities or replaced facilities in existence for less than three years shall have the average expenditures calculated based upon the applicable time of existence; and

(3) All sales at retail of the tangible personal property and materials for the purpose of constructing, repairing, or remodeling any expanding data storage center or server farm facility.

5. Any data storage center and server farm facility project seeking a tax exemption under subsection 4 of this section shall submit an expanding project plan to the department of economic development, including identifying each known constructing taxpayer and each known operating taxpayer for the project. The project applicants shall also provide proof satisfactory to the department of economic development that the facility is an expanding facility and has net new investment related to the expansion of operations in this state of at least one million dollars during a time period not to exceed twelve consecutive months. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption. The department of revenue shall issue a certificate of exemption to each expanding project taxpayer for ongoing exemptions under subdivisions (1), (2) and (3) of subsection 4 of this section.

6. The sales tax exemptions in subsections 2 and 4 of this section shall be tied to the new or expanding facility project. A certificate of exemption in the hands of a taxpayer that is no longer an operating or constructing taxpayer of the new or expanding facility project shall be invalid as of the date the taxpayer was no longer an operating or constructing taxpayer of the new or expanding facility project. New certificates of exemption shall be issued to successor constructing taxpayers and operating taxpayers at such new or expanding facility projects. The right to the exemption by successor taxpayers shall exist without regard to subsequent levels of investment in the new or expanding facility by successor taxpayers.

7. The department of economic development and the department of revenue shall cooperate in

conducting random audits to make certain the intent of this section is followed.

**8. The department of economic development and the department of revenue shall jointly prescribe such rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted.

Senator Nodler raised the point of order that **SA 7** is out of order as it goes beyond the scope, title and purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Nodler moved that **SCS** for **HCS** for **HB 1316**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler **SCS** for **HCS** for **HB 1316**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Pearce moved that **HCS No. 2** for **HB 1543**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS for SCS for HCS No. 2 for HB 1543**, as amended, was again taken up.

At the request of Senator Pearce, **SS for SCS for HCS No. 2 for HB 1543**, as amended, was withdrawn.

Senator Pearce offered **SS No. 2 for SCS for HCS No. 2 for HB 1543**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NO. 1543

An Act to repeal sections 160.261, 160.775, 161.209, 161.650, 163.031, 163.036, 167.029, 167.117, 168.500, 168.515, 178.693, and 178.695, RSMo, and to enact in lieu thereof thirteen new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for certain sections.

Senator Pearce moved that **SS No. 2 for SCS for HCS No. 2 for HB 1543** be adopted.

Senator Wright-Jones offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 37, Section 167.117, Line 20 of said page, by inserting after all of said line the following:

“168.221. 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers shall expire at the end of each school year. During the probationary period any probationary teacher whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher shall be dismissed. The semester granted the probationary teacher in which to improve shall not in any case be a means of prolonging the probationary period beyond five years and six months from the date on which the teacher entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers who will not be retained by the school district of the termination of their services. Any probationary teacher who is not so notified shall be deemed to have been appointed for the next school year. Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.

2. After completion of satisfactory probationary services, appointments of teachers shall become permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher shall not be included.

3. No teacher whose appointment has become permanent may be removed except for one or more of

the following causes: immorality, inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present **at the hearing**, together with counsel, offering evidence and making defense thereto. Notifications received by an employee during a vacation period shall be considered as received on the first day of the school term following. At the request of any person so charged the hearing shall be public. **During any time in which powers granted to the district's board of education are vested in a special administrative board, the special administrative board may appoint a hearing officer to conduct the hearing. The hearing officer shall conduct the hearing as a contested case under chapter 536 and shall issue a written recommendation to the board rendering the charges against the teacher. The board shall render a decision on the charges upon the review of the hearing officer's recommendations and the record from the hearing.** The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. Inefficiency in line of duty is cause for dismissal only after the teacher has been notified in writing at least one semester prior to the presentment of charges against him by the superintendent. The notification shall specify the nature of the inefficiency with such particularity as to enable the teacher to be informed of the nature of his inefficiency.

4. No teacher whose appointment has become permanent shall be demoted nor shall his salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

5. Whenever it is necessary to decrease the number of teachers because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers beginning with those serving probationary periods to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse order of his placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. No new appointments shall be made while there are available teachers on leave of absence who are seventy years of age or less and who are adequately qualified

to fill the vacancy unless the teachers fail to advise the superintendent of schools within thirty days from the date of notification by the superintendent of schools that positions are available to them that they will return to employment and will assume the duties of the position to which appointed not later than the beginning of the school year next following the date of the notice by the superintendent of schools.

6. If any regulation which deals with the promotion of teachers is amended by increasing the qualifications necessary to be met before a teacher is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers may become qualified for promotion under the regulations.

7. A teacher whose appointment has become permanent may give up the right to a permanent appointment to participate in the teacher choice compensation package under sections 168.745 to 168.750.”; and

Further amend the title and enacting clause accordingly.

Senator Wright-Jones moved that the above amendment be adopted, which motion prevailed.

Senator Champion offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 13, Section 160.775, Line 25 of said page, by inserting after all of said line the following:

**“161.208. In addition to the provisions of sections 161.670 and 162.1250, until August 1, 2015, any school may offer instruction in a virtual setting using technology, intranet, or internet methods of communication. Any student whose parent or guardian chooses to enroll the student in a virtual school under this section, with the approval of the school board of the school which provides such virtual education, shall be so enrolled. Until August 1, 2015, for purposes of calculation and distribution of school funding, the school providing such virtual education shall receive an amount equal to eighty percent of the amount of its tuition charge for nonresident pupils, the school district of residence shall receive ten percent of the school district’s tuition charge for nonresident pupils, and an amount equal to ten percent of the school district’s tuition charge for nonresident pupils shall be reserved as general revenue of the state. Any entity which maintains compliance with the provisions of subsection 4 of section 161.670 may contract to provide virtual instruction to any school district which chooses to provide virtual education pursuant to this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Champion moved that the above amendment be adopted, which motion failed.

Senator Ridgeway offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 48, Section 178.695, Line 20, by inserting after all of said line the following:

**“Section 1. If any school district described in subsection 2 of section 160.400 ceases to use a school building for a continuous period of two years or closes a school building, any charter school authorized to operate within the district or any private school may submit an offer in writing to lease**



**or purchase such building for use as a school building. The district shall accept that offer no later than the close of business on the one hundred and eightieth day after it receives the offer; however, if, during the one hundred and eighty day period, the district receives another offer or offers to lease or purchase the building, the district shall accept the offer of the highest bidder.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Days, Pearce and Wilson.

**SA 3** failed of adoption by the following vote:

YEAS—Senators

Cunningham      Lembke              Ridgeway      Schaefer—4

NAYS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Keaveny	Lager	Mayer	McKenna	Nodler
Pearce	Purgason	Rupp	Schmitt	Scott	Shields	Shoemyer	Stouffer
Vogel	Wilson	Wright-Jones—27					

Absent—Senators

Clemens              Crowell              Justus—3

Absent with leave—Senators—None

Vacancies—None

Senator Schaefer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Page 14, Section 161.209, Line 24, by inserting after all of said line the following:

**“161.371. 1. The office of administration shall issue regulations in accordance with chapter 536, requiring that, as a condition of bidding as a contractor or subcontracting from a bidding contractor for public works construction projects on public and charter elementary and secondary education construction projects, each said contractor or subcontractor shall establish and implement a random drug and alcohol testing program. Said drug and alcohol testing program shall be administered by a laboratory duly certified by the U.S. Department of Health and Human Services, or similar agency approved by the office of administration. Such program shall require notification to the employer and employee of the results of any positive drug and alcohol test and the school district shall be notified of the action taken to protect the safety of students as a result of such positive test.**

**2. The office of administration shall ensure that rules promulgated to implement the provisions of this section shall not be in violation of any applicable federal law or regulation. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**

the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

3. All costs for the program of screening and testing workers for alcohol and controlled substances, as well as all costs for administration of such drug and alcohol testing program shall be paid by the employer on the public works project. No costs under this section shall be paid by the state, any of its agencies, or any political subdivision thereof.

4. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rule making authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered SA 5:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, Pages 45-48, Section 178.693, by striking all of said section from the bill; and

Further amend said bill, page 48, section 178.695, by striking all of said section from the bill and inserting in lieu thereof the following:

“178.697. 1. Funding for sections 178.691 to 178.699 shall be made available pursuant to section 163.031, RSMo, and shall be subject to appropriations made for this purpose.

2. Costs of contractual arrangements shall be the obligation of the school district of residence of each preschool child. Costs of contractual arrangements shall not exceed an amount equal to an amount reimbursable to the school districts under the provisions of sections 178.691 to 178.699. [No program shall be approved or contract entered into which requires any additional payment by participants or their parents or guardians.]

3. Payments for participants for programs outlined in section 178.693 shall be uniform for all districts or public agencies.

4. Families with children under the age of kindergarten entry shall be eligible to receive annual development screenings and parents shall be eligible to receive prenatal visits under sections 178.691 to 178.699. Priority for service delivery of approved parent education programs under section 178.691 to 178.699, which includes, but is not limited to, home visits, group meetings, screenings, and service referrals, shall be given to high needs families in accordance with criteria set forth by the department of elementary and secondary education. Local school districts may establish cost sharing strategies to supplement funding for such program services. The provisions of this subsection shall expire on December 31, 2015, unless reauthorized by an act of the general assembly.”; and

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Pearce moved that **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, as amended, be adopted, which motion prevailed.

Senator Pearce moved that **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

### **PRIVILEGED MOTIONS**

Senator Shields moved that the Senate refuse to recede from its position on **SCS** for **HB 1868**, as amended, and grant the House a conference thereon and further that the conferees be allowed to exceed the differences regarding the sections that have to do with pensions for the Water Patrol, which motion prevailed.

Senator Shields moved that the conferees on **HCS No. 2** for **SB 844** be allowed to exceed the differences, which motion prevailed.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1868**, as amended: Senators Shields, Scott, Crowell, Bray and Green.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2297**, as amended. Representatives: Zerr, Nolte, Wallace, Hummel and LeVota.

### **RESOLUTIONS**

Senator Engler offered Senate Resolution No. 2498, regarding Allen Wayne Davis, which was adopted.

Senator Bray offered Senate Resolution No. 2499, regarding Spoeede Elementary School, Ladue School District in Creve Coeur, which was adopted.

Senator Lembke offered Senate Resolution No. 2500, regarding Aaron Joseph Jefferson, St. Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 2501, regarding Ian Wohlstadter, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Pearce introduced to the Senate, the Physician of the Day, Dr. Ron Jones, M.D., Nevada.

Senator Goodman introduced to the Senate, his wife, Laura and their sons, Jack Elliott and William True, Mt. Vernon; his brother-in-law, Paul Charles Hood and his children Zoe and Paul, Willard; and Jack Elliott, William True, Zoe and Paul were made honorary pages.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Wednesday, May 12, 2010.

## SENATE CALENDAR

SIXTY-EIGHTH DAY—WEDNESDAY, MAY 12, 2010

## FORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)	SCS for SB 622-Shoemyer (In Fiscal Oversight)
SJR 20-Bartle	SS for SB 1057-Shields (In Fiscal Oversight)
SB 779-Bartle (In Fiscal Oversight)	SCS for SB 969-Keaveny
SCS for SB 944-Shields (In Fiscal Oversight)	

## HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HCS for HB 1675, with SCS (Ridgeway)<br>(In Fiscal Oversight)       | 6. HCS for HB 1966, with SCS (Pearce)<br>(In Fiscal Oversight) |
| 2. HJR 76-Dethrow, et al, with SCS<br>(Purgason) (In Fiscal Oversight) | 7. HJR 78-Smith (150), et al<br>(In Fiscal Oversight)          |
| 3. HCS for HB 1497 (Goodman)<br>(In Fiscal Oversight)                  | 8. HJR 62-McGhee, et al (In Fiscal Oversight)                  |
| 4. HB 2252-Faith (Dempsey)<br>(In Fiscal Oversight)                    | 9. HB 2205-Burlison, with SCS (Rupp)                           |
| 5. HCS for HJR 64, with SCS (Pearce)<br>(In Fiscal Oversight)          | 10. HB 2290-Wasson (Goodman)                                   |
|  | 11. HCS for HB 1871, with SCS (Lager)<br>(In Fiscal Oversight) |
|  | 12. HCS for HB 1473, with SCS                                  |

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham (In Fiscal Oversight)	SCS for SB 826-Griesheimer SB 1001-Griesheimer
--	---

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SB 596-Callahan, with SCS (pending)
SB 587-Nodler and Cunningham, with SCS & SA 1 (pending)	SB 606-Stouffer

SBs 607, 602, 615 & 725-Stouffer,  
with SCS & SA 1 (pending)  
SB 639-Schmitt, with SCS & SS for SCS  
(pending)  
SB 643-Keaveny, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 698-Griesheimer, with SCS,  
SS for SCS & SA 1 (pending)  
SB 705-Griesheimer  
SB 738-Crowell, with SCS  
SB 747-Rupp, et al, with SA 1 (pending)  
SB 784-Schaefer and Pearce  
SB 792-Dempsey and Rupp, with SS  
(pending)  
SB 797-Green  
SB 810-Lager, with SCS  
SB 818-Lembke, with SCS, SS for SCS  
& SA 1 (pending)  
SB 839-Wright-Jones, with SCS  
SB 852-Lager, et al, with SS,  
SA 1 & SSA 1 for SA 1 (pending)  
SB 868-Shields  
SB 878-Lembke, with SCS & SS for SCS  
(pending)

SBs 880, 780 & 836-Schaefer, with SCS,  
SS for SCS & SA 1 (pending)  
SBs 895, 813, 911, 924, 922 & 802-Dempsey,  
et al, with SCS, SS for SCS, SA 1,  
SSA 1 for SA 1 & SA 1 to SSA 1  
for SA 1 (pending)  
SB 896-Shields and Crowell, with SA 1  
(pending)  
SB 905-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 999-Schaefer  
SB 1016-Mayer, with SCS  
SB 1017-Mayer, with SCS (pending)  
SB 1060-Bartle, with SCS  
SJR 22-Callahan  
SJR 25-Cunningham, et al, with SCS,  
SS#2 for SCS & SA 5 (pending)  
SJR 29-Purgason and Cunningham, with  
SCS, SS#2 for SCS & SA 1 (pending)  
SJR 31-Scott  
SJR 33-Bartle, with SA 1 (pending)  
SJR 34-Goodman, et al, with SA 1 (pending)  
SJR 38-Ridgeway  
SJR 40-Goodman, with SA 1 (pending)

#### HOUSE BILLS ON THIRD READING

HCS for HB 1290, with SCS, SS#2 for SCS,  
SA 14 & SA 1 to SA 14 (pending)  
(Griesheimer)  
HCS for HB 1400, with SCS (Stouffer)  
HB 1424-Franz, with SCS (pending)  
(McKenna)  
HCS for HB 1446, with SCS (Pearce)  
HCS for HB 1541, with SCS (Goodman)  
SS#2 for SCS for HCS#2 for HB 1543  
(Pearce) (In Fiscal Oversight)  
HB 1559-Brown (30) (Shields)  
HB 1595-Dugger, et al (Purgason)  
HB 1609-Diehl, with SCS & SS#2 for SCS  
(pending) (Bartle)

HCS#2 for HBs 1692, 1209, 1405, 1499,  
1535 & 1811, with SCS (Cunningham)  
HCS for HBs 1695, 1742 & 1674, with SCS  
& SS for SCS (pending) (Schaefer)  
HB 1802-Gatschenberger, with SCS,  
SS for SCS & SA 1 (pending) (Rupp)  
HB 1842-Wilson (130) (Goodman)  
HCS for HB 1893, with SS & SA 2  
(pending) (Dempsey)  
HCS for HB 2048, with SCS (Lager)  
HCS for HB 2058, with SCS (Schmitt)  
HCS for HB 2070 (Schaefer)  
HB 2109-Ruzicka, with SCS (Lager)

SS for SCS for HB 2111-Faith, et al  
(Stouffer) (In Fiscal Oversight)  
HB 2285-Thomson, with SCS (Lager)

HCS for HJR 86, with SCS & SS#2 for SCS  
(pending) (Stouffer)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 630-Cunningham, with  
HA 1 & HA 2  
SCS for SB 644-Shields, with HA 1,  
HA 2 & HA 3

SB 773-Dempsey, with HA 1  
SCS for SB 942-Rupp, with HCS

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SS for SCS for SB 605-Mayer, with HCS,  
as amended  
SCS for SB 733-Pearce, with HCS,  
as amended  
(Senate adopted CCR and passed CCS)  
SCS for SB 754-Dempsey, with HCS,  
as amended  
SB 795-Mayer and Nodler, with HCS,  
as amended  
SCS for SBs 842, 799 & 809-Schmitt,  
with HCS, as amended  
SB 844-Shields, with HCS#2  
HB 1268-Meiners, with SS#2, as amended  
(Justus)  
HCS for HBs 1311 & 1341, with SCS (Rupp)

HCS for HBs 1408 & 1514, with SS (Lembke)  
HB 1442-Jones (89), et al, with SS for SCS,  
as amended (Nodler)  
HB 1677-Hoskins (80), with SCS (Days)  
HB 1691-Kraus, et al, with SA 1 & SA 2  
(Pearce)  
HB 1868-Scharnhorst, with SCS, as amended  
(Shields)  
HCS for HB 1965, with SCS, as amended  
(Cunningham)  
HB 2226, HB 1824, HB 1832 & HB 1990,  
with SCS, as amended (Scott)  
HCS for HB 2297, with SCS, as amended  
(Wilson)

#### RESOLUTIONS

SCR 36-Schmitt and Rupp, with HCS

##### Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer  
HCS for HCRs 34 & 35 (Schmitt)

SR 1744-Shields  
SCR 57-Ridgeway  
HCR 46-Funderburk

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-EIGHTH DAY—WEDNESDAY, MAY 12, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The test of humility is your attitude to subordinates.” (Orchot Tzaddikim)

Merciful God, we are halfway through this final week and a good time to remember and give thanks for those who have worked so hard for us and with us during this session. They continue to give whole heartedly of their time and talents which make our efforts go more easily and often make us look good. So bless them and their efforts and keep us mindful of all they do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Shields offered Senate Resolution No. 2502, regarding Ki’ara Cross, which was adopted.

Senator Shields offered Senate Resolution No. 2503, regarding Mason Rhodes, which was adopted.

Senator Shields offered Senate Resolution No. 2504, regarding Mason Emmott, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Carolyn R. Mahoney, as a member of the Midwestern Higher Education Commission;

Also,

Kirk A. Nelson and Glenn Talboy, Jr., as members of the Drug Utilization Review Board;

Also,

Brandt W. Shields, as the student representative of the Missouri State University Board of Governors.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HCS** for **HB 1764** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1764**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HB 1612** and has taken up and passed **SCS** for **HB 1612**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **HCS** for **HB 1806** and has taken up and passed **SS** for **HCS** for **HB 1806**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HB 1868**, as amended. Representatives: Scharnhorst, Bruns, Hoskins (121), Roorda and Whitehead.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker



has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 842, 799 and 809**, as amended. Representatives: Stream, Sater, Jones (89), McClanahan and McDonald.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 791**, entitled:

An Act to repeal sections 204.300, 204.472, 204.571, 250.233, 393.150, 393.1000, 393.1003, 644.036, 644.054, and 660.122, RSMo, and to enact in lieu thereof twelve new sections relating to utilities, with an emergency clause for certain sections.

With House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, and House Amendment Nos. 3 and 4.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 791, Page 2, Line 5, by deleting the word **“When”** and inserting in lieu thereof the word **“Where”**; and

Further amend said amendment, Page 2, Line 8, by deleting the words **“late than one hundred sixty five”** and inserting in lieu thereof the following words **“later than two hundred fifty”**; and

Further amend said amendment, Page 2, Line 12, by inserting after all of said line the following:

“Further amend said bill, Page 8, Section 393.150, Line 23, by deleting the words **“[six] two months.”** and inserting in lieu thereof the following **“six months if the suspension pertains to a filing made prior to January 1, 2011, or, for a further period not to exceed one hundred fifty days if the suspension pertains to a filing made on January 1, 2011 or thereafter.”**; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 791, Page 6, Section 250.233, Line 11, by inserting after all of said line the following:

“ 386.390. 1. Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission; provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, sewer, or telephone corporation, unless the same be signed by the public counsel or the mayor or the president or chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electricity, water, sewer or telephone service.

2. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or decisions of the commission the same rule shall apply with regard to the joinder of causes and parties as herein provided.

3. The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the public utility, corporation or person complained of.

4. Service in all hearings, investigations and proceedings pending before the commission may be made upon any person upon whom summons may be served in accordance with the provisions of the code of civil procedure of this state, and may be made personally or by mailing in a sealed envelope with postage prepaid.

5. The commission shall fix the time when and the place where a hearing will be had upon the complaint and shall serve notice thereof, not less than ten days before the time set for such hearing, unless the commission shall find that the public necessity requires that such hearing be held at an earlier date. **When the complainant files a complaint alleging that the current rates of an electrical corporation, water corporation, or sewer corporation are unjust and unreasonable, the commission shall issue its order deciding the complaint and prescribing the rates that it finds to be just and reasonable no later than one hundred sixty five days after the complaint was filed. The rates prescribed by the commission shall take effect no later than twenty days after the issuance of the commission's order under this subsection.**"; and

Further amend said bill, Page 8, Section 386.715, Lines 50-56, by deleting all of said lines; and

Further amend said bill, Page 9, Section 393.150, Line 34, by inserting after the word "remaining." the following:

**"The commission may in its discretion permit parties other than the corporation to file cross-surrebuttal to address issues raised by parties other than the corporation in rebuttal testimony on the same date that the corporation has the opportunity to submit surrebuttal testimony."**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 791, Section 393.320, Page 10, Lines 17 through 26 by removing all of said Lines from the bill and inserting in lieu thereof the following:

**"2. The procedures contained in section 393.320 may be chosen by a large water public utility, and if so chosen shall be used by the public service commission to establish the ratemaking rate base of a small water utility during an acquisition."**; and

Further amend said Section, Line 3 by deleting from said Line the word: **"The"** and inserting in lieu thereof the word: **"An"**; and

Further amend said Section, Line 30 by inserting after the phrase: **"who is"** the word: **"a"**; and

Further amend said Section, Line 31 by deleting from said Line the word: **"appraisers"** and inserting in lieu thereof the word: **"appraiser"**; and

Further amend said Section, Page 11, Lines 37 and 38 by deleting said Lines and inserting in lieu thereof

the following: **“public utility in a reasonable and timely manner.”**; and

Further amend said Section, Page 11, Lines 41 through 45 by removing all of said Lines from the bill and inserting in lieu thereof the following:

**“4. Nothing in this section shall prohibit a party from declining to proceed with an acquisition or be deemed as establishing the final purchase price of an acquisition.”**; and

Further amend said Section, Page 11, Line 65 by deleting from said Line the phrase: **“paid prior to the sale”** and inserting in lieu thereof the phrase: **“resolved prior to the transfer of ownership”**; and

Further amend said Section, Page 12, Lines 70 through 72 by deleting all of said Lines and inserting in lieu thereof the following:

**“6. Any new permit issued pursuant to chapters 640 and 644, when a small water system is acquired by a large water public utility, shall include a plan to resolve all outstanding permit compliance issues. After the transfer of ownership, the acquiring large public water utility shall continue providing service to all customers that were served by the small water utility at the time of sale.**

**7. This section is intended for the specific and unique purpose of determining the ratemaking rate base of small water utilities and shall be exclusively applied to large water public utilities in the acquisition of a small water utility.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 791, Page 1, Section A, Line 4, by inserting after all of said line the following:

**“67.2800. 1. Sections 67.2800 to 67.2835 shall be known and may be cited as the “Property Assessment Clean Energy Act”.**

**2. The general assembly hereby finds, determines, and declares that:**

**(1) The development, production, and efficient use of renewable energy, as well as the installation and implementation of energy efficiency improvements to privately and publicly owned property, will create jobs for residents of the state, advance the economic well-being and public and environmental health of the state, and contribute to the energy independence of the nation; and**

**(2) The financing of energy efficiency and renewable energy improvement projects and privately and publicly owned property, as provided by sections 67.2800 to 67.2835, will serve a valid public purpose and the primary intent of sections 67.2800 to 67.2835 is to promote such public purpose.**

**3. As used in sections 67.2800 to 67.2835, the following words and terms shall mean:**

**(1) “Assessment contract”, a contract entered into between a clean energy development board and a property owner under which the property owner agrees to pay an annual assessment for a period of up to twenty years in exchange for financing of an energy efficiency improvement or a renewable energy improvement;**

**(2) “Authority”, the state environmental improvement and energy resources authority established under section 260.010;**

(3) “Bond”, any bond, note, or other similar instrument issued by or on behalf of a clean energy development board;

(4) “Clean energy conduit financing”, the financing of energy efficiency improvements or renewable energy improvements for a single parcel of property or a unified development consisting of multiple adjoining parcels of property under section 67.2825;

(5) “Clean energy development board”, a board formed by one or more municipalities under section 67.2810;

(6) “Director”, the director of the department of economic development;

(7) “Energy efficiency improvement”, any acquisition, installation, or modification on or of publicly or privately owned property designed to reduce the energy consumption of such property, including but not limited to:

(a) Insulation in walls, roofs, attics, floors, foundations, and heating and cooling distribution systems;

(b) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective windows and doors, and other window and door improvements designed to reduce energy consumption;

(c) Automatic energy control systems;

(d) Heating, ventilating, or air conditioning distribution system modifications and replacements;

(e) Caulking and weatherstripping;

(f) Replacement or modification of lighting fixtures to increase energy efficiency of the lighting system without increasing the overall illumination of the building unless the increase in illumination is necessary to conform to applicable state or local building codes;

(g) Energy recovery systems; and

(h) Daylighting systems;

(8) “Municipality”, any county, city, or incorporated town or village of this state;

(9) “Project”, any energy efficiency improvement or renewable energy improvement;

(10) “Property assessed clean energy local finance fund”, the fund established by the authority for the purpose of making loans to clean energy development boards to establish and maintain property assessed clean energy programs;

(11) “Property assessed clean energy program”, a program established by a clean energy development board to finance energy efficiency improvements or renewable energy improvements under section 67.2820;

(12) “Renewable energy improvement”, any acquisition and installation of a fixture, product, system, device, or combination thereof on publicly or privately owned property that produces energy from renewable resources, including, but not limited to photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems.

4. All projects undertaken under sections 67.2800 to 67.2835 are subject to the applicable

municipality's ordinances and regulations, including, but not limited to those ordinances and regulations concerning zoning, subdivision, building, fire safety, and historic or architectural review.

**67.2805. 1.** The authority may, as needed, promulgate administrative rules and regulations relating to the following:

(1) Guidelines and specifications for administering the property assessed clean energy local finance fund; and

(2) Any clarification to the definitions of energy efficiency improvement and renewable energy improvement as the authority may determine is necessary or advisable.

**2.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

**67.2810. 1.** One or more municipalities may form clean energy development boards for the purpose of exercising the powers described in sections 67.2800 to 67.2835. Each clean energy development board shall consist of not less than three members, as set forth in the ordinance or order establishing the clean energy development board. Members shall serve terms as set forth in the ordinance or order establishing the clean energy development board and shall be appointed:

(1) If only one municipality is participating in the clean energy development board, by the chief elected officer of the municipality with the consent of the governing body of the municipality; or

(2) If more than one municipality is participating, in a manner agreed to by all participating municipalities.

**2.** A clean energy development board shall be a separate body politic and corporate and shall have all powers necessary and convenient to carry out and effectuate the provisions of sections 67.2800 to 68.2835, including, but not limited to the following:

(1) To adopt, amend, and repeal bylaws, which are not inconsistent with sections 67.2800 to 68.2835;

(2) To adopt an official seal;

(3) To sue and be sued;

(4) To make and enter into contracts and other instruments with public and private entities;

(5) To accept grants, guarantees, and donations of property, labor, services, and other things of value from any public or private source;

(6) To employ or contract for such managerial, legal, technical, clerical, accounting, or other assistance it deems advisable;

(7) To levy and collect special assessments under an assessment contract with a property owner and to record such special assessments as a lien on the property;

**(8) To borrow money from any public or private source and issue bonds and provide security for the repayment of the same;**

**(9) To finance a project under an assessment contract;**

**(10) To collect reasonable fees and charges in connection with making and servicing assessment contracts and in connection with any technical, consultative, or project assistance services offered;**

**(11) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States or any agency or instrumentality thereof, or in bank certificates of deposit; provided, however, the limitations on investments provided in this subdivision shall not apply to proceeds acquired from the sale of bonds which are held by a corporate trustee; and**

**(12) To take whatever actions necessary to participate in and administer a clean energy conduit financing or a property assessed clean energy program.**

**3. No later than July first of each year, the clean energy development board shall file with each municipality that participated in the formation of the clean energy development board, an annual report for the preceding calendar year that includes:**

**(1) A brief description of each project financed by the clean energy development board during the preceding calendar year;**

**(2) The amount of assessments due and the amount collected during the preceding calendar year;**

**(3) The amount of clean energy development board administrative costs incurred during the preceding calendar year;**

**(4) The estimated cumulative energy savings resulting from all energy efficiency improvements financed during the preceding calendar year; and**

**(5) The estimated cumulative energy produced by all renewable energy improvements financed during the preceding calendar year.**

**4. No lawsuit to set aside the formation of a clean energy development board or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the effective date of the ordinance or order creating the clean energy development board. No lawsuit to set aside the approval of a project, an assessment contract, or a special assessment levied by a clean energy development board, or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the date that the assessment contract is executed.**

**67.2815. 1. A clean energy development board shall not enter into an assessment contract or levy or collect a special assessment for a project without making a finding that there are sufficient resources to complete the project and that the estimated economic benefit expected from the project during the financing period is equal to or greater than the cost of the project.**

**2. An assessment contract shall be executed by the clean energy development board and the benefitted property owner or property owners and shall provide:**

**(1) A description of the project, including the estimated cost of the project and details on how the project will either reduce energy consumption or create energy from renewable sources;**

**(2) A mechanism for:**

(a) Verifying the final costs of the project upon its completion; and

(b) Ensuring that any amounts advanced or otherwise paid by the clean energy development board toward costs of the project will not exceed the final cost of the project;

(3) An acknowledgment by the property owner that the property owner has received or will receive a special benefit by financing a project through the clean energy development board that equals or exceeds the total assessments due under the assessment contract;

(4) An agreement by the property owner to pay annual special assessments for a period not to exceed twenty years, as specified in the assessment contract;

(5) A distribution of assessment amounts among all parcels of real property subject to the assessment contract;

(6) A statement that the obligations set forth in the assessment contract, including the obligation to pay annual special assessments, are a covenant that shall run with the land and be obligations upon future owners of such property; and

(7) An acknowledgment that no subdivision of property subject to the assessment contract shall be valid unless the assessment contract or an amendment thereof divides the total annual special assessment due between the newly subdivided parcels pro rata to the special benefit realized by each subdivided parcel.

3. The total special assessments levied against a property under an assessment contract shall not exceed the sum of the cost of the project, including any required energy audits and inspections, or portion thereof financed through the participation in a property assessed clean energy program or clean energy conduit financing, including the costs of any audits or inspections required by the clean energy development board, plus such administration fees, interest, and other financing costs reasonably required by the clean energy development board.

4. The clean energy development board shall provide a copy of each signed assessment contract to the local county assessor and county collector and shall cause a copy of such assessment contract to be recorded in the real estate records of the county recorder of deeds.

5. Special assessments agreed to under an assessment contract shall be a lien on the property against which it is assessed on behalf of the applicable clean energy development board from the date that each annual assessment under the assessment contract becomes due. Such special assessments shall be collected by the county collector in the same manner and with the same priority as ad valorem real property taxes. Once collected, the county collector shall pay over such special assessment revenues to the clean energy development board in the same manner in which revenues from ad valorem real property taxes are paid to other taxing districts. Such special assessments shall be collected as provided in this subsection from all subsequent property owners, including the state and all political subdivisions thereof, for the term of the assessment contract.

6. Any clean energy development board that contracts for outside administrative services to provide financing origination for a project shall offer the right of first refusal to enter into such a contract to a federally insured depository institution with a physical presence in Missouri upon the same terms and conditions as would otherwise be approved by the clean energy development board. Such right of first refusal shall not be applicable to the origination of any transaction that involves

the issuance of bonds by the clean energy development board.

**67.2820. 1.** Any clean energy development board may establish a property assessed clean energy program to finance energy efficiency improvements or renewable energy improvements. A property assessed clean energy program shall consist of a program whereby a property owner may apply to a clean energy development board to finance the costs of a project through annual special assessments levied under an assessment contract.

**2.** A clean energy development board may establish application requirements and criteria for project financing approval as it deems necessary to effectively administer such program and ration available funding among projects, including but not limited to requiring projects to meet certain energy efficiency standards.

**3.** A clean energy development board may require an initial energy audit as defined in subdivision (4) of subsection 1 of section 640.153, as a prerequisite to project financing through a property assessed clean energy program as well as inspections to verify project completion.

**67.2825. 1.** In lieu of financing a project through a property assessed clean energy program, a clean energy development board may seek to finance any number of projects to be installed within a single parcel of property or within a unified development consisting of multiple adjoining parcels of property by participating in a clean energy conduit financing.

**2.** A clean energy conduit financing shall consist of the issuance of bonds under section 67.2830 payable from the special assessment revenues collected under an assessment contract with the property owner participating in the clean energy conduit financing and any other revenues pledged thereto.

**67.2830. 1.** A clean energy development board may issue bonds payable from special assessment revenues generated by assessment contracts and any other revenues pledged thereto. The bonds shall be authorized by resolution of the clean energy development board, shall bear such date or dates, and shall mature at such time or times as the resolution shall specify, provided that the term of any bonds issued for a clean energy conduit financing shall not exceed twenty years. The bonds shall be in such denomination, bear interest at such rate, be in such form, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide. Notwithstanding any provision to the contrary under this section, issuance of the bonds shall conform to the requirements of subsection 1 of section 108.170.

**2.** Any bonds issued under this section shall not constitute an indebtedness of the state or any municipality. Neither the state nor any municipality shall be liable on such bonds, and the form of such bonds shall contain a statement to such effect.

**67.2835.** The director of the department of economic development is authorized to allocate the state's residual share, or any portion thereof, of the national qualified energy conservation bond limitation under Section 54D of the Internal Revenue Code of 1986, as amended, for any purposes described therein to the authority, any clean energy development board, the state, any political subdivision, instrumentality, or other body corporate and politic.”; and

Further amend said bill, Page 6. Section 250.233, Line 11, by inserting after all of said line the following:



“260.005. As used in sections 260.005 to 260.125, the following words and terms mean:

(1) “Authority”, the state environmental improvement and energy resources authority created by sections 260.005 to 260.125;

(2) “Bonds”, bonds issued by the authority pursuant to the provisions of sections 260.005 to 260.125;

(3) “Cost”, the expense of the acquisition of land, rights-of-way, easements and other interests in real property and the expense of acquiring or constructing buildings, improvements, machinery and equipment relating to any project, including the cost of demolishing or removing any existing structures, interest during the construction of any project and engineering, research, legal, consulting and other expenses necessary or incident to determining the feasibility or practicability of any project and carrying out the same, all of which are to be paid out of the proceeds of the bonds or notes authorized by sections 260.005 to 260.125;

(4) “Disposal of solid waste or sewage”, the entire process of storage, collection, transportation, processing and disposal of solid wastes or sewage;

(5) “Energy conservation”, the reduction of energy consumption;

(6) “Energy efficiency”, the increased productivity or effectiveness of energy resources use, the reduction of energy consumption, or the use of renewable energy sources;

(7) “Notes”, notes issued by the authority pursuant to sections 260.005 to 260.125;

(8) “Pollution”, the placing of any noxious substance in the air or waters or on the lands of this state in sufficient quantity and of such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

(9) “Project”, any facility, including land, disposal areas, incinerators, buildings, fixtures, machinery, equipment, and devices or modifications to a building or facility, acquired or constructed, or to be acquired or constructed for the purpose of developing energy resources or preventing or reducing pollution or the disposal of solid waste or sewage or providing water facilities or resource recovery facilities or carrying out energy efficiency modifications in, but not limited to, buildings owned by the state or providing for energy conservation or increased energy efficiency **or renewable energy**;

(10) **“Renewable energy”, the production of energy from renewable resources, including, but not limited to, photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems;**

(11) “Resource recovery”, the recovery of material or energy from solid waste;

[(11)] (12) “Resource recovery facility”, any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse;

[(12)] (13) “Resource recovery system”, a solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes, including disposal of nonrecoverable waste residues;

[(13)] (14) “Revenues”, all rents, installment payments on notes, interest on loans, revenues, charges and other income received by the authority in connection with any project and any gift, grant, or appropriation received by the authority with respect thereto;

[(14)] (15) “Sewage”, any liquid or gaseous waste resulting from industrial, commercial, agricultural

or community activities in such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

[(15)] **(16)** “Solid waste”, garbage, refuse, discarded materials and undesirable solid and semisolid residual matter resulting from industrial, commercial, agricultural or community activities in such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

[(16)] **(17)** “Synthetic fuels”, any solid, liquid, or gas or combination thereof, which can be used as a substitute for petroleum or natural gas (or any derivatives thereof, including chemical feedstocks) and which is produced by chemical or physical transformation (other than washing, coking, or desulfurizing) of domestic sources of coal, including lignite and peat; shale; tar sands, including heavy oils; water as a source of hydrogen only through electrolysis, and mixtures of coal and combustible liquids including petroleum; and

[(17)] **(18)** “Water facilities”, any facilities for the furnishing of water for industrial, commercial, agricultural or community purposes including, but not limited to, wells, reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds, storm sewers, related equipment and machinery.

260.080. No part of the funds of the authority shall inure to the benefit of or be distributable to its members or other private persons except that the authority is authorized and empowered to pay reasonable compensation for services rendered as herein provided for **and to otherwise carry out the provisions of sections 260.005 to 260.125.**”; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SCS** for **SB 778**, entitled:

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof twelve new sections relating to the transfer of property, with an emergency clause for certain sections.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields submitted the following amended conference committee to act with a like committee from the House on **SCS** for **HB 1868**, as amended: Senators Shields, Schaefer, Crowell, Bray and Green.

### **HOUSE BILLS ON THIRD READING**

**HB 2109**, with **SCS**, introduced by Representative Ruzicka, entitled:

An Act to repeal sections 644.036 and 644.054, RSMo, and to enact in lieu thereof two new sections relating to the Missouri clean water law.

Was called from the Informal Calendar and taken up by Senator Lager.

**SCS** for **HB 2109**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2109

An Act to repeal sections 644.036, 644.052, and 644.054, RSMo, and to enact in lieu thereof three new sections relating to the Missouri clean water law.

Was taken up.

Senator Lager moved that **SCS** for **HB 2109** be adopted.

Senator Lager offered **SS** for **SCS** for **HB 2109**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2109

An Act to repeal sections 260.262, 260.965, 327.272, 386.210 414.072, 640.100, 644.036, 644.051, 644.054, and 701.033, RSMo, and to enact in lieu thereof thirty new sections relating to natural resources, with penalty provisions and an emergency clause for a certain section.

Senator Lager moved that **SS** for **SCS** for **HB 2109** be adopted.

Senator Dempsey assumed the Chair.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2109, Page 48, Section 701.033, Line 10 of said page, by inserting after all of said line the following:

**“Section 1. The state auditor shall conduct an audit of any state revolving funds that are administered by the department of natural resources for the purposes of funding wastewater and drinking water infrastructure improvement projects. The state auditor shall issue the completed audit report by December 31, 2010. In addition to the report, the state auditor shall submit a report to the general assembly by December 31, 2010, that shows an itemized list of expenditures made from any such state revolving fund where such expenditures significantly differ in either nature or amount from any expenditures made prior to fiscal year 2009 from such fund.”; and**

Further amend said bill, page 48, section B, line 14 of said page, by inserting immediately after the word “act” the following: “and because of the need to ensure the efficient expenditure of public funds, the enactment of section 1 of this act”; and further amend line 18 of said page, by inserting immediately after the word “act” the following: “and the enactment of section 1 of this act”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2109, Pages 15-16,

Section 341.230, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Lager, **HB 2109**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Schaefer moved that **HCS** for **HBs 1695, 1742 and 1674**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HCS** for **HBs 1695, 1742 and 1674** was again taken up.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1695, 1742 and 1674, Page 15, Section 542.266, Lines 1-16 of said page, by striking all of said section from the bill; and

Further amend said bill, Page 21, Section 577.010, Lines 16 to 28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 22, Lines 1 and 2 of said page, by striking all of said lines and inserting in lieu thereof the following:

**“3. Notwithstanding the provisions of subsection 2 of this section, in a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such person’s blood shall be granted a suspended imposition of sentence unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.**

**4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section, for such first offense:**

**(1) If the individual operated the motor vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person’s blood, the required term of imprisonment shall be not less than forty-eight hours;**

**(2) If the individual operated the motor vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person’s blood, the required term of imprisonment shall be not less than five days.”; and**

Further amend said bill, Page 22, Section 577.012, Line 16 of said page, by striking the following: “No person who operated”; and further amend lines 17 to 28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 23, Lines 1 to 3 of said page, by striking all of said lines and inserting in lieu thereof the following:

**“4. In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of**

one percent or more by weight of alcohol in such person's blood shall be granted a suspended imposition of sentence unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section, for such first offense:

(1) If the individual operated the motor vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the motor vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.”; and

Further amend said bill, Page 26, Section 577.023, Lines 10 to 28 of said page, by striking all of said lines and inserting in lieu thereof the following: “notwithstanding.

(1) No prior offender shall be eligible for parole or probation until he or she has served a minimum of [five] **ten** days imprisonment[.];

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; **or**

(b) **The offender participates in and successfully completes a program established pursuant to section 478.007 or other court-ordered treatment program, if available.**

(2) No persistent offender shall be eligible for parole or probation until he or she has served a minimum of [ten] **thirty** days imprisonment[.];

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court; **or**

(b) **The offender participates in and successfully completes a program established pursuant to section 478.007 or other court-ordered treatment program, if available.**

(3) No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment.

(4) No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

In addition to any other terms or conditions of probation, the”; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer moved that **SS** for **SCS** for **HCS** for **HBs 1695, 1742 and 1674**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SCS** for **HCS** for **HBs 1695, 1742 and 1674**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

Senator Dempsey moved that **HCS** for **HB 1893**, with **SS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Dempsey, **SS** for **HCS** for **HB 1893** was withdrawn, rendering **SA 2** moot.

Senator Dempsey offered **SS No. 2** for **HCS** for **HB 1893**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1893

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof three new sections relating to excursion gambling boats.

Senator Dempsey moved that **SS No. 2** for **HCS** for **HB 1893** be adopted, which motion prevailed.

On motion of Senator Dempsey, **SS No. 2** for **HCS** for **HB 1893** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS No. 2** for **SB 844**. Representatives: Jones (89), Tilley, Nieves, Nasheed and Hoskins (80).

President Pro Tem Shields assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 2201**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer assumed the Chair.

### CONCURRENT RESOLUTIONS

Senator Schmitt moved that **SCR 36**, with **HCS**, be taken up for adoption, which motion prevailed.

**HCS** for **SCR 36** was taken up.

Senator Schmitt moved that **HCS** for **SCR 36** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCR 36**, as amended by **HCS**, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Keaveny—1

Absent—Senator Bray—1

Absent with leave—Senators—None

Vacancies—None

Senator Lembke moved that **HCR 46** be taken up for adoption, which motion prevailed.

Senator Green offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 46, as it appears on Page 628 of the Senate Journal for Tuesday, March 23, 2010, Lines 6-10 of said journal page, by striking all of said lines from the resolution; and

Further amend lines 37-39 of said journal page by striking all of said lines from the resolution.

Senator Green moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lembke, **HCR 46**, as amended, was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Bray—1

Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—None

#### HOUSE BILLS ON THIRD READING

**HCS** for **HB 1541**, with **SCS**, entitled:

An Act to repeal section 78.090, RSMo, and to enact in lieu thereof one new section relating to primary elections.

Was called from the Informal Calendar and taken up by Senator Goodman.

**SCS** for **HCS** for **HB 1541**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1541

An Act to repeal sections 78.090 and 115.134, RSMo, and to enact in lieu thereof two new sections relating to local elections.



Was taken up.

Senator Goodman moved that **SCS** for **HCS** for **HB 1541** be adopted.

Senator Goodman offered **SS** for **SCS** for **HCS** for **HB 1541**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1541

An Act to repeal sections 67.2000, 78.090, and 94.577, RSMo, and to enact in lieu thereof five new sections relating to local elections, with an emergency clause for a certain section.

Senator Goodman moved that **SS** for **SCS** for **HCS** for **HB 1541** be adopted.

At the request of Senator Goodman, **HCS** for **HB 1541**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HBs 1311** and **1341** and has taken up and passed **CCS** for **SCS** for **HCS** for **HBs 1311** and **1341**.

**PRIVILEGED MOTIONS**

Senator Rupp, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HBs 1311** and **1341**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NOS. 1311 & 1341

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1311 & 1341, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1311 & 1341;
2. The House recede from its position on House Committee Substitute for House Bill Nos. 1311 & 1341;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1311 & 1341, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Dwight Scharnhorst  
/s/ Wayne Cooper  
/s/ Bob Nance

FOR THE SENATE:

/s/ Scott T. Rupp  
/s/ Eric S. Schmitt  
/s/ Jason Crowell

/s/ Paul Levota  
/s/ Jason Grill

/s/ Rita Heard Days  
/s/ Ryan McKenna

Senator Rupp moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

## NAYS—Senators

Bartle	Cunningham	Purgason	Scott—4
--------	------------	----------	---------

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, **CCS** for **SCS** for **HCS** for **HBs 1311** and **1341**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NOS. 1311 & 1341

An Act to amend chapters 337 and 376, RSMo, by adding thereto eleven new sections relating to autism spectrum disorders, with penalty provisions.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Vogel	Wilson	Wright-Jones—27					

## NAYS—Senators

Bartle	Cunningham	Purgason	Ridgeway	Scott	Stouffer—6
--------	------------	----------	----------	-------	------------

Absent—Senator Lembke—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **RESOLUTIONS**

Senator Barnitz offered Senate Resolution No. 2505, regarding Christopher Paul Higgins, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2506, regarding Arlene Dochterman, Memphis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2507, regarding Lois R. Bertram, Memphis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2508, regarding Sarah L. Myers, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2509, regarding Myrtle Marie Alexander, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2510, regarding David P. Boden, Rutledge, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2511, regarding Debra R. Caldwell, Memphis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2512, regarding James H. Paris, Memphis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2513, regarding Samuel Berkowitz, Memphis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2514, regarding Arnold Preussner, Kirksville, which was adopted.

Senator Purgason offered Senate Resolution No. 2515, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lyle Harrison, Mountain Grove, which was adopted.

Senator Purgason offered Senate Resolution No. 2516, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Virgil Stowers, West Plains, which was adopted.

Senator Bray offered Senate Resolution No. 2517, regarding Peter Grayson, Clayton, which was adopted.

Senator Bray offered Senate Resolution No. 2518, regarding Ben Banet, University City, which was adopted.

Senator Barnitz offered Senate Resolution No. 2519, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin R. Waites, Sligo, which was adopted.

Senators Goodman and McKenna offered Senate Resolution No. 2520, regarding R.B. "Bob" Smith, III, which was adopted.

Senator Goodman offered Senate Resolution No. 2521, regarding Carol Hirsch, Pierce City, which was

adopted.

On motion of Senator Engler, the Senate recessed until 1:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Dempsey.

### **RESOLUTIONS**

Senator Stouffer offered Senate Resolution No. 2522, regarding Robert Eugene Barlow, Hale, which was adopted.

Senator Stouffer offered Senate Resolution No. 2523, regarding Travis Wayne Noyes, Macon, which was adopted.

Senator Green offered Senate Resolution No. 2524, regarding John J. Flynn, which was adopted.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 940**, entitled:

An Act to repeal sections 313.005, 313.010, 313.015, 313.040, 313.045, 313.050, and 313.057, RSMo, and to enact in lieu thereof seven new sections relating to bingo, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 733**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 733**.

Emergency clause adopted.

Bill ordered enrolled.

### **HOUSE BILLS ON THIRD READING**

**HB 2205**, with **SCS**, introduced by Representative Burlison, entitled:

An Act to repeal sections 354.442 and 376.1450, RSMo, and to enact in lieu thereof two new sections relating to documents and materials for health insurance enrollees.

Was taken up by Senator Rupp.

**SCS** for **HB 2205**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2205**

An Act to repeal sections 354.442, 375.1152, 375.1155, 375.1175, 375.1255, and 376.1109, RSMo, and to enact in lieu thereof twelve new sections relating to insurance.

Was taken up.

Senator Rupp moved that **SCS** for **HB 2205** be adopted.

Senator Rupp offered **SS** for **SCS** for **HB 2205**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2205

An Act to repeal sections 208.950, 354.442, 375.1152, 375.1155, 375.1175, 375.1255, 376.717, 376.718, 376.724, 376.725, 376.732, 376.733, 376.734, 376.735, 376.737, 376.738, 376.740, 376.743, 376.758, 376.816, and 376.1109, RSMo, and to enact in lieu thereof twenty-seven new sections relating to insurance, with an expiration date for certain section.

Senator Rupp moved that **SS** for **SCS** for **HB 2205** be adopted.

Senator Mayer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2205, Pages 1-4, Section 208.183, by striking all of said section from the bill; and

Further amend said bill, pages 4-7, section 208.950, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2205, Page 4, Section 208.183, Line 11, by inserting after all of said line the following:

“208.215. 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made [in] **on** behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. **Any health benefit plan as defined in section 376.1350, third party administrator, administrative service organization, and pharmacy benefits manager, shall process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms:**

**(1) For a period of three years from the date services were provided or rendered; however, an entity:**

**(a) Shall not be required to reimburse for items or services which are not covered under MO HealthNet;**

**(b) Shall not deny a claim submitted by the state solely on the basis of the date of submission of**

**the claim, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to provide prior authorization;**

**(c) Shall not be required to reimburse for items or services for which a claim was previously submitted to the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager by the health care provider or the participant and the claim was properly denied by the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager for procedural reasons, except for timely filing, type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;**

**(d) Shall not be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim for subrogation has been filed; and**

**(e) Shall reimburse for items or services to the same extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it had been properly billed at the point of sale; and**

**(2) If any action by the state to enforce its rights with respect to such claim is commenced within six years of the state's submission of such claim.**

2. The department of social services, MO HealthNet division, or its contractor may maintain an appropriate action to recover funds paid by the department of social services or MO HealthNet division or its contractor that are due under this section in the name of the state of Missouri against the person, corporation, institution, public agency, or private agency liable to the participant, minor or estate.

3. Any participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death who pursues legal rights against a person, corporation, institution, public agency, or private agency liable to that participant or minor for injuries, disease or disability or benefits arising from a health insurance plan to which the participant may be entitled as outlined in subsection 1 of this section shall upon actual knowledge that the department of social services or MO HealthNet division has paid MO HealthNet benefits as defined by this chapter promptly notify the MO HealthNet division as to the pursuit of such legal rights.

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate without good cause as determined by the department of social services, MO HealthNet division in accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A [recipient] **participant** who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up

to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

6. Every participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death, or his attorney or legal representative shall promptly notify the MO HealthNet division of any recovery from a third party and shall immediately reimburse the department of social services, MO HealthNet division, or its contractor from the proceeds of any settlement, judgment, or other recovery in any action or claim initiated against any such third party. A judgment, award, or settlement in an action by a [recipient] **participant** to recover damages for injuries or other third-party benefits in which the division has an interest may not be satisfied without first giving the division notice and a reasonable opportunity to file and satisfy the claim or proceed with any action as otherwise permitted by law.

7. The department of social services, MO HealthNet division or its contractor shall have a right to recover the amount of payments made to a provider under this chapter because of an injury, disease, or disability, or benefits arising from a health insurance plan to which the participant may be entitled for which a third party is or may be liable in contract, tort or otherwise under law or equity. Upon request by the MO HealthNet division, all third-party payers shall provide the MO HealthNet division with information contained in a 270/271 Health Care Eligibility Benefits Inquiry and Response standard transaction mandated under the federal Health Insurance Portability and Accountability Act, except that third-party payers shall not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity insurance policies.

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled which resulted in payments made by the department or MO HealthNet division. In each case, a lien notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service

of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) The amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the participant incident to the recovery; and whether the department should, as a matter of fairness and equity, bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) The amount, if any, of the attorney's fees and other costs incurred by the participant incident to the recovery and paid by the participant up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) The total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the participant, by insurance provided by the participant, and by the department, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) Whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the participant;

(5) The age of the participant and of persons dependent for support upon the participant, the nature and permanency of the participant's injuries as they affect not only the future employability and education of the participant but also the reasonably necessary and foreseeable future material, maintenance, medical rehabilitative and training needs of the participant, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) The realistic ability of the participant to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction. **The computerized records of the MO HealthNet division, certified by the director or his designee, shall be prima facie evidence of proof of moneys expended and the amount of the debt due the state.**

11. The court may reduce and apportion the department's or MO HealthNet division's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs,



physician costs, and all other appropriate costs. The department or MO HealthNet division shall pay its pro rata share of the attorney's fees based on the department's or MO HealthNet division's lien as it compares to the total settlement agreed upon. This section shall not affect the priority of an attorney's lien under section 484.140, RSMo. The charges of the department or MO HealthNet division or contractor described in this section, however, shall take priority over all other liens and charges existing under the laws of the state of Missouri with the exception of the attorney's lien under such statute.

12. Whenever the department of social services or MO HealthNet division has a statutory charge under this section against a recovery for damages incurred by a participant because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, [irrespective] **regardless** of whether [or not] an action based on participant's claim has been filed in court. Nothing herein shall prohibit the director from entering into a compromise agreement with any participant, after consideration of the factors in subsections 9 to 13 of this section.

13. This section shall be inapplicable to any claim, demand or cause of action arising under the workers' compensation act, chapter 287, RSMo. From funds recovered pursuant to this section the federal government shall be paid a portion thereof equal to the proportionate part originally provided by the federal government to pay for MO HealthNet benefits to the participant or minor involved. The department or MO HealthNet division shall enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on permanently institutionalized individuals. The department or MO HealthNet division shall have the right to enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on all other institutionalized individuals. For the purposes of this subsection, "permanently institutionalized individuals" includes those people who the department or MO HealthNet division determines cannot reasonably be expected to be discharged and return home, and "property" includes the homestead and all other personal and real property in which the participant has sole legal interest or a legal interest based upon co-ownership of the property which is the result of a transfer of property for less than the fair market value within thirty months prior to the participant's entering the nursing facility. The following provisions shall apply to such liens:

(1) The lien shall be for the debt due the state for MO HealthNet benefits paid or to be paid on behalf of a participant. The amount of the lien shall be for the full amount due the state at the time the lien is enforced;

(2) The MO HealthNet division shall file for record, with the recorder of deeds of the county in which any real property of the participant is situated, a written notice of the lien. The notice of lien shall contain the name of the participant and a description of the real estate. The recorder shall note the time of receiving such notice, and shall record and index the notice of lien in the same manner as deeds of real estate are required to be recorded and indexed. The director or the director's designee may release or discharge all or part of the lien and notice of the release shall also be filed with the recorder. The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar filings in connection with the filing of a lien and any other necessary documents;

(3) No such lien may be imposed against the property of any individual prior to the individual's death on account of MO HealthNet benefits paid except:

(a) In the case of the real property of an individual:

a. Who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution,

to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; and

b. With respect to whom the director of the MO HealthNet division or the director's designee determines, after notice and opportunity for hearing, that he cannot reasonably be expected to be discharged from the medical institution and to return home. The hearing, if requested, shall proceed under the provisions of chapter 536, RSMo, before a hearing officer designated by the director of the MO HealthNet division; or

(b) Pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual;

(4) No lien may be imposed under paragraph (b) of subdivision (3) of this subsection on such individual's home if one or more of the following persons is lawfully residing in such home:

(a) The spouse of such individual;

(b) Such individual's child who is under twenty-one years of age, or is blind or permanently and totally disabled; or

(c) A sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution;

(5) Any lien imposed with respect to an individual pursuant to subparagraph b of paragraph (a) of subdivision (3) of this subsection shall dissolve upon that individual's discharge from the medical institution and return home.

14. The debt due the state provided by this section is subordinate to the lien provided by section 484.130, RSMo, or section 484.140, RSMo, relating to an attorney's lien and to the participant's expenses of the claim against the third party.

15. Application for and acceptance of MO HealthNet benefits under this chapter shall constitute an assignment to the department of social services or MO HealthNet division of any rights to support for the purpose of medical care as determined by a court or administrative order and of any other rights to payment for medical care.

16. All participants receiving benefits as defined in this chapter shall cooperate with the state by reporting to the family support division or the MO HealthNet division, within thirty days, any occurrences where an injury to their persons or to a member of a household who receives MO HealthNet benefits is sustained, on such form or forms as provided by the family support division or MO HealthNet division.

17. If a person fails to comply with the provision of any judicial or administrative decree or temporary order requiring that person to maintain medical insurance on or be responsible for medical expenses for a dependent child, spouse, or ex-spouse, in addition to other remedies available, that person shall be liable to the state for the entire cost of the medical care provided pursuant to eligibility under any public assistance program on behalf of that dependent child, spouse, or ex-spouse during the period for which the required medical care was provided. Where a duty of support exists and no judicial or administrative decree or temporary order for support has been entered, the person owing the duty of support shall be liable to the state for the entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

18. The department director or the director's designee may compromise, settle or waive any such claim in whole or in part in the interest of the MO HealthNet program. Notwithstanding any provision in this section to the contrary, the department of social services, MO HealthNet division is not required to seek reimbursement from a liable third party on claims for which the amount it reasonably expects to recover will be less than the cost of recovery or for which recovery efforts will not be cost-effective. Cost-effectiveness is determined based on the following:

(1) Actual and legal issues of liability as may exist between the [recipient] **participant** and the liable party;

(2) Total funds available for settlement; and

(3) An estimate of the cost to the division of pursuing its claim.”; and

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Dempsey offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2205, Page 1, Section A, Line 10, by inserting after all of said line the following:

“103.089. Participants in the program of medical benefits coverage provided by sections 103.003 to 103.175 who are eligible for Medicare benefits and who are not eligible for the program of medical benefits coverage provided under sections 103.083 to 103.098 to be their primary plan of coverage benefits shall be [provided the same benefits] **offered actuarially equivalent benefit products** provided participants who are not eligible for Medicare benefits. Medical benefits coverage provided under sections 103.003 to 103.175 shall be coordinated with Medicare benefits for participants covered by part A or part B, or both, of Medicare benefits, or reduced by an amount determined by the claims administrator to provide a benefit equivalent to the amount which would be provided on a coordination of benefit basis for participants not covered by part A or part B, or both, of Medicare benefits. As used in sections 103.083 to 103.098, the term “Medicare benefits” shall include those medical benefits provided by Title XVIII, A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301, et seq.) and amendments thereto. Any participating member agency having employees or eligible retirees not covered by Medicare shall authorize the plan at its option to enroll those individuals for medical benefits as provided by Title XVIII, A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act whenever they become eligible for such benefits and the plan shall pay the premium for such enrollment on behalf of that person. The Medicare premium amounts shall be included in the rate established by the actuary for providing medical benefits coverage to such a participating member agency. Anyone not authorizing this Medicare enrollment shall be denied coverage.”; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 4**:

## SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2205, Page 77, Section 376.1110, Line 27, by inserting after all of said line the following:

**“376.1226. 1. No contract between a health carrier or health benefit plan and a dentist for the provision of dental services under a dental plan shall require that the dentist provide dental services to insureds in the dental plan at a fee established by the health carrier or health benefit plan if such dental services are not covered services under the dental plan.**

**2. For purposes of this section, the following terms shall mean:**

**(1) “Covered services”, services reimbursable under an applicable dental plan, subject to such contractual limitations on benefits as may apply, including but not limited to deductibles, waiting periods, or frequency limitations;**

**(2) “Dental plan”, any policy or contract of insurance which provides for coverage of dental services;**

**(3) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;**

**(4) “Health carrier”, the same meaning as such term is defined in section 376.1350.”; and**

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Rupp moved that **SS** for **SCS** for **HB 2205**, as amended, be adopted, which motion prevailed.

Senator Rupp moved that **SS** for **SCS** for **HB 2205**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SS** for **SCS** for **HB 2205**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

**HCS** for **HB 2070**, entitled:

An Act to repeal section 321.243, RSMo, and to enact in lieu thereof one new section relating to taxes for joint central fire and emergency dispatching services.

Was called from the Informal Calendar and taken up by Senator Schaefer.

Senator Lembke offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 2070, Page 1, Section A, Line 2, by inserting immediately after said line the following:

**“190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as “emergency services”, and which may also include the purchase and maintenance of communications**

and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a county sales tax of ..... (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section

and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

**13. Provisions of this section to the contrary notwithstanding, in any county with a charter form of government and with more than one million inhabitants which imposes a sales tax authorized under the provisions of this section, such tax shall not apply to sales at retail of "food", as such term is defined under section 144.014.";** and

Further amend the title and enacting clause accordingly.

Senator Lembke moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Schaefer, **HCS** for **HB 2070**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Shields	Shoemyer	Stouffer	Vogel	Wilson—29			

NAYS—Senator Purgason—1

Absent—Senators

Cunningham	Schmitt	Scott	Wright-Jones—4
------------	---------	-------	----------------

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HB 2285**, with **SCS**, introduced by Representative Thomson, entitled:

An Act to authorize the conveyance of property owned by the state to the City of Maryville.

Was called from the Informal Calendar and taken up by Senator Lager.

**SCS** for **HB 2285**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2285

An Act to authorize the conveyance of property owned by the state to the City of Maryville.

Was taken up.

Senator Lager moved that **SCS** for **HB 2285** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 2285, Page 1, In the Title, Line 2, by striking all of said line and inserting in lieu thereof the following:

“To amend chapter 8, RSMo, by adding thereto twelve new sections relating to state properties and the conveyance thereof, with an emergency clause for certain sections.”; and

Further amend said bill and page, section 1, line 1, by inserting immediately before said line the following:

“Section A. Chapter 8, RSMo, is amended by adding thereto one new section, to be known as section 8.016, to read as follows:

**8.016. 1. The commissioner of the office of administration shall provide each member of the senate and each member of the house of representatives with a key that accesses the dome of the state capitol.**

**2. The president pro tem of the senate and the speaker of the house of representatives shall be responsible for providing a training program for the members and staff of the general assembly regarding access to secured areas of the capitol building. They may consult with the office of administration and department of public safety when developing such program.”; and**

Further amend said bill, page 2, section 1, line 29, by inserting immediately after said line the following:

**“Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the Veterans Home in Cape Girardeau, Cape Girardeau County, Missouri, to the City of Cape Girardeau more particularly described as follows:**

**RIGHT OF WAY TRACT**

**RIGHT OF WAY TRACT FOR  
MISSOURI VETERANS HOME**

**PERTAINING TO TRACTS RECORDED IN BOOK NO. 452 - PAGE 71 AND IN BOOK NO. 677 -  
PAGE 395**

**A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 31  
NORTH, RANGE 13 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY  
AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:**

**Commencing at a 5/8” iron pin (found) at the south quarter corner of Section 22;  
Thence N 89 degrees 07’ 59” W, 1,121.26 feet along the south line of the southwest  
quarter to a point on the east right of way line of Interstate 55, said point being  
130.00 feet easterly of and normal to Interstate 55 centerline station 1065+46.97;  
Thence along said right of way line, N 21 degrees 17’ 45” W, 1,385.92 feet to the  
southwest corner of a tract of land as recorded in book no. 452 at page no. 71 of the  
land records of the County Recorder’s Office, said point being the TRUE POINT  
OF BEGINNING:**

**Thence continuing along said right of way the following courses and distances:**

**N 21 degrees 17’ 45” W, 561.05 feet to a point being 130.00 feet easterly of and  
normal to the centerline of Interstate Route 55, station 1046+00.00; Thence N 18  
degrees 47’ 27” W, 461.53 feet to a point being 150.17 feet easterly of and normal  
to the centerline of Interstate Route 55, station 1041+38.91, said point being the  
beginning of curve concave to the southeast having a central angle of 44 degrees 15’  
16” and a radius of 230.00 feet; Thence leaving said right of way line and along said  
curve in northwesterly and northeasterly direction, 177.65 feet; Thence N 25**



degrees 27' 49" E, 127.92 feet to a point on the north line of a tract of land as recorded in book no. 677 at page no. 395; Thence along said north line, N 64 degrees 38' 07" E, 94.99 feet; Thence leaving said north line, S 25 degrees 27' 49" W, 201.56 feet to the beginning of a curve, concave to the southeast, having a central angle of 44 degrees 15' 16" and a radius of 170.00 feet; Thence along said curve in a southwesterly and southeasterly direction, 131.31 feet; Thence S 18 degrees 47' 27" E, 460.21 feet; Thence S 21 degrees 17' 45" E, 526.95 feet to a point on the south line of the afore said tract of land; Thence along said south line, S 40 degrees 02' 58" W, 68.37 feet to the True Point of Beginning, containing 1.82 acres more or less. (79,445 square feet)

2. The governor is hereby authorized and empowered to sell, transfer, grant, and convey a permanent easement and temporary construction easement over, on, and under property owned by the state in Cape Girardeau, Cape Girardeau County, Missouri to the City of Cape Girardeau, to be more particularly described as follows:

**PERMANENT SLOPE EASEMENT**

**PERMANENT SLOPE EASEMENT FOR**

**MISSOURI VETERANS HOME**

**PERTAINING TO TRACT RECORDED IN BOOK NO. 452 - PAGE 71**

**A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at a 5/8" iron pin (found) at the south quarter corner of Section 22; Thence N 89 degrees 07' 59" W, 1,121.26 feet along the south line of the southwest quarter to a point on the east right of way line of Interstate 55, said point being 130.00 feet easterly of and normal to Interstate 55 centerline station 1065+46.97; Thence along said right of way line, N 21 degrees 17' 45" W, 1,385.92 feet to the southwest corner of a tract of land as recorded in book no. 452 at page no. 71 of the land records of the County Recorder's Office; Thence N 40 degrees 02' 58" E, 68.37 feet along the south line of said tract to the TRUE POINT OF BEGINNING;

Thence continuing along said south line, N 40 degrees 02' 58" E, 17.09 feet; Thence leaving said south line, N 21 degrees 17' 45" W, 16.25 feet; Thence N 23 degrees 42' 15" E, 70.71 feet; Thence N 21 degrees 17' 45" W, 189.01 feet; Thence N 13 degrees 41' 46" E, 61.03 feet; Thence N 21 degrees 17' 45" W, 6.85 feet; Thence N 74 degrees 25' 33" W, 75.46 feet; Thence N 17 degrees 11' 40" W, 144.13 feet; Thence N 31 degrees 45' 20" W, 47.14 feet; Thence N 23 degrees 21' 53" W, 126.01 feet; Thence N 24 degrees 47' 59" W, 96.45 feet; Thence S 71 degrees 12' 33" W, 19.94 feet; Thence S 18 degrees 47' 27" E, 252.05 feet; Thence S 21 degrees 17' 45" E, 526.95 feet to the True Point of Beginning, containing 0.87 acres more or less. (37,936 square feet)

**TEMPORARY CONSTRUCTION EASEMENT 1**

**TRACT NO. 4****MISSOURI VETERANS HOME**

**PERTAINING TO TRACTS RECORDED IN BOOK NO. 452 - PAGE 71 AND BOOK NO. 677 - PAGE 395**

**A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at a 5/8" iron pin (found) at the south quarter corner of Section 22; Thence N 89° 07' 59" W, 1,121.26 feet along the south line of the southwest quarter to a point on the east right of way line of Interstate 55, said point being 130.00 feet easterly of and normal to Interstate 55 centerline station 1065+46.97; Thence along said right of way line, N 21° 17' 45" W, 1,385.92 feet to the southwest corner of a tract of land as recorded in book no. 452 at page no. 71 of the land records of the County Recorder's Office; Thence N 40° 02' 58" E, 68.37 feet along the south line of said tract to the TRUE POINT OF BEGINNING;

Thence continuing along said south line, N 40° 02' 58" E, 28.49 feet; Thence leaving said south line, N 21° 17' 45" W, 6.64 feet; Thence N 23° 42' 15" E, 70.71 feet; Thence N 21° 17' 45" W, 190.00 feet; Thence N 13° 41' 46" E, 61.03 feet; Thence N 21° 17' 45" W, 15.00 feet; Thence N 74° 25' 33" W, 75.00 feet; Thence N 17° 11' 40" W, 139.95 feet; Thence N 31° 45' 20" W, 47.68 feet; Thence N 23° 21' 53" W, 125.40 feet; Thence N 24° 47' 59" W, 95.52 feet; Thence N 18° 47' 27" W, 30.00 feet; Thence N 16° 12' 05" E, 61.03 feet; Thence N 40° 35' 32" W, 107.70 feet; Thence N 11° 40' 11" W, 98.75 feet; Thence N 20° 44' 52" E, 75.25 feet; Thence S 68° 47' 12" E, 73.68 feet; Thence N 21° 12' 53" E, 62.05 feet; Thence S 90° 00' 00" E, 29.70 feet; Thence N 0° 00' 00" E, 87.43 feet; Thence S 90° 00' 00" E, 181.00 feet; Thence N 0° 04' 00" W, 77.90 feet to a point on the south line of a tract of land as recorded in book no. 691 at page no. 299; Thence along said south line S 89° 55' 56" W, 173.35 feet to the northeast corner of a tract of land as recorded in book no. 677 at page no. 395; Thence along the north line of said tract, S 64° 38' 07" W, 81.56 feet; Thence leaving said north line, S 25° 27' 49" W, 201.56 feet to the beginning of a curve concave to the southeast having a central angle of 44° 15' 16" and a radius of 170.00 feet; Thence along said curve in a southwesterly and southeasterly direction, 131.31 feet; Thence S 18° 47' 27" E, 460.21 feet; Thence S 21° 17' 45" E, 526.95 feet to the point of beginning, containing 2.07 acres more or less. (90,353 square feet)

**TEMPORARY CONSTRUCTION EASEMENT 2****TRACT NO. 4****MISSOURI VETERANS HOME**

**PERTAINING TO TRACTS RECORDED IN BOOK NO. 452 - PAGE 71 AND BOOK NO. 677 - PAGE 395**

**A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE**

**GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at a 5/8" iron pin (found) at the south quarter corner of Section 22; Thence N 89° 07' 59" W, 1,121.26 feet along the south line of the southwest quarter to a point on the east right of way line of Interstate 55, said point being 130.00 feet easterly of and normal to Interstate 55 centerline station 1065+46.97; Thence along said right of way line, N 21° 17' 45" W, 1,385.92 feet to the southwest corner of a tract of land as recorded in book no. 452 at page no. 71 of the land records of the County Recorder's Office, said point being 130.00 feet easterly of and normal to the centerline of Interstate Route 55, station 1051+61.04; Thence N 21° 17' 45" W, 561.05 feet to a point being 130.00 feet easterly of and normal to the centerline of Interstate Route 55, station 1046+00.00; Thence N 18° 47' 27" W, 461.53 feet to a point being 150.17 feet easterly of and normal to the centerline of Interstate Route 55, station 1041+38.91, said point being the beginning of curve concave to the southeast having a central angle of 44° 15' 16" and a radius of 230.00 feet and being the TRUE POINT OF BEGINNING;

Thence leaving said right of way line and along said curve in northwesterly and northeasterly direction, 177.65 feet; Thence N 25° 27' 49" E, 127.92 feet to a point on the north line of a tract of land as recorded in book no. 677 at page no. 395; Thence along said north line, S 64° 38' 07" W, 71.24 feet; Thence leaving said north line, S 25° 27' 49" W, 5.33 feet; Thence S 05° 42' 42" W, 113.00 feet; Thence S 29° 40' 55" W, 44.31 feet to the east right of way line of Interstate Route 55; Thence along said right of way line, S 18° 47' 27" E, 107.95 feet to the point of beginning, containing 0.13 acres, more or less. (5,743 square feet)

**TEMPORARY CONSTRUCTION EASEMENT 3****TRACT NO. 4****MISSOURI VETERANS HOME****PERTAINING TO TRACT RECORDED IN BOOK NO. 452 - PAGE 71****A PART OF THE NORTHWEST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at a point on the south right of way line of U.S. Route 61, said point being 275.00 feet southwesterly of and normal to the centerline of the north bound lane of U.S. Route 61, station 911+51.76, said point also being at the intersection of said right of way line and the east line of a tract of land as recorded in the land records of the County Recorder's Office in book no. 630 at page no. 151, Thence along said south right of way line, S 58° 54' 45" E, 11.58 feet to the TRUE POINT OF BEGINNING;

Thence continuing along said south right of way line, S 58° 54' 45" E, 60.00 feet; Thence leaving said right of way line, S 31° 05' 15" W, 140.00 feet; Thence N 58° 54' 45" W, 60.00 feet; Thence N 31° 05' 15" E, 140.00 feet to the point of beginning,

containing 0.19 acres more or less. (8,400 square feet)

3. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the time, place, and terms of the conveyance.

4. The attorney general shall approve as to form the instrument of conveyance.

**Section 3. 1.** The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the Missouri Lottery Headquarters, Jefferson City, Cole County, Missouri, to owners of certain private property for the purpose of vacating an easement more particularly described as follows:

Part of the Northwest quarter of Section 24, Township 44 North, Range 12 West, in the City of Jefferson, Missouri, more particularly described as follows: From the southwest corner of the Northwest quarter of the Northwest quarter of said Section 24; thence South 88 degrees 30 minutes 55 seconds east, 855.87 feet, to an old iron bar in the northwesterly right-of-way line of U.S. Highway No. 54; thence along said northwesterly right-of-way line, North 45 degrees 31 minutes 05 seconds east, 497.73 feet, to an old iron rod, at the most southerly corner of a tract conveyed to the owners of certain private property, by deed of record in Book 242, page 624, Cole County Recorder's Office; thence continuing along the northwesterly right-of-way line of said Highway No. 54, North 45 degrees 31 minutes 05 seconds east, 96.80 feet, to a right-of-way marker; thence North 28 degrees 16 minutes 17 seconds east, 16.15 feet, to the beginning point of this easement; thence continuing along said northwesterly right-of-way line, North 28 degrees 16 minutes 17 seconds east, 30.00 feet, to a point; thence North 61 degrees 43 minutes 43 seconds west, 178.29 feet, to a point; thence North 28 degrees 16 minutes 17 seconds east, 85.00 feet, to a point on the northeasterly line of the said private property owner tract; thence North 61 degrees 43 minutes 43 seconds west, along the said northeasterly line of the private property owner tract, 15.00 feet; to the most northerly corner of said tract; thence South 28 degrees 16 minutes 17 seconds west, along the northwesterly line of said private property owner tract, 115 feet; thence South 61 degrees 43 minutes 43 seconds east, 193.29 feet, to the beginning point of this easement.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

**Section 4. 1.** The governor is hereby authorized and empowered to sell, transfer, grant and convey, remise, release and forever quitclaim all interest in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to any person at a public offering as provided in subsection 2 of this section. The property hereby authorized to be conveyed by the governor shall be more particularly described by a survey. Such survey shall be authorized by the division of facilities management, design and construction of the office of administration pursuant to this section. For the purposes of this section, the property to be conveyed, known as the Church Farm Bottoms, is a tract of land in Cole County (approximately eleven hundred acres) lying between

the Union Pacific Railroad Lines to the south and the Missouri River to the north.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 5. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the Western Missouri Mental Health Center in Kansas City, Jackson County, more particularly described as follows:

**TRACT 115**

**DESCRIPTION:**

A tract of land being all of Lots 1-13 and the north 15 feet of Lot 14 inclusive of Block 7, ELM GROVE ADDITION, a subdivision in the Northeast Quarter (NE1/4) of Section 8, Township 49, Range 33 in Kansas City, Jackson County, Missouri, more particularly described as follows:

Beginning at the East Quarter (E1/4) Corner of Section 8; thence North 02°42'55" East, a distance of 452.15 feet perpendicular to the proposed centerline of 22nd Street; thence North 87°17'05" West along said centerline, a distance of 567.58 feet; thence North 02°42'55" East, a distance of 20.00 feet to the southeast corner of Lot 15 of Block 7; thence North 02°23'59" East along the east line of said Lots 15 and 14, a distance of 35.00 feet to the Point of Beginning; thence North 87°15'03" West parallel to the south line of said Lot 14, a distance of 160.00 feet to a point on the west line of said lot; thence North 02°23'59" East along the west line of Lots 14-1 inclusive, a distance of 345.00 feet to the north line of Lot 1; thence South 87°15'03" East along the north line of Lot 1, a distance of 160.00 feet to a point on the east line of said lot; thence South 02°23'59" West along the east line of said Lots 1-14 inclusive, a distance of 345.00 feet to the Point of Beginning. The above described tract of land contains 55,199.48 square feet, more or less.

**TRACT 117**

**DESCRIPTION:**

A tract of land being the north 15 feet of Lot 17 and all of Lots 18-21 inclusive of ELM GROVE ADDITION, a subdivision in the Northeast Quarter (NE1/4) of Section 8, Township 49, Range 33 in Kansas City, Jackson County, Missouri, more particularly described as follows:

Commencing at the East Quarter Corner of Section 8; thence North 02°42'55" East, a distance of 452.15 feet perpendicular to the proposed centerline of 22nd Street; thence North 87°17'05" West along said centerline, a distance of 392.91 feet; thence North 02°42'55" East, a distance of 19.89 feet to the southeast corner of said Lot 16; thence North 02°23'59" East along the east line of said Lots 16 and 17, a distance of 35.00 feet to the Point of Beginning; thence North 87°15'03" West parallel to the south line of said Lot 17, a distance of 159.68 feet to a point on the west line of Lot

17; thence North 02°23'59" East along the west line of said Lots 17-21 inclusive, a distance of 115.00 feet to the northwest corner of Lot 21; thence South 87°15'03" East along the north line of said lot, a distance of 159.68 feet to the northeast corner of said lot; thence South 02°23'59" West along the east line of said Lots 21-17 inclusive, a distance of 115.00 feet to the Point of Beginning. The above described tract of land contains 18,363.15 square feet, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

**Section 6. 1.** The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the South East Missouri Mental Health Center located in Farmington, St. Francois County, more particularly described as follows:

A tract of land located in the City of Farmington, County of St. Francois and the state of Missouri, lying in a part of Lots 76, 77, and 80 of F.W. Rohland Subdivision of United States Survey 2969, a Subdivision files for record in Deed Book F at Page 441 of the Land records of St. Francois County, Missouri, described as follows, to-wit:

Commencing at a found No. 5 rebar marking the Northwest corner of Lot 62 of said F.W. Rohland Subdivision; thence South 36°46'10" West 1905.10' to a found right-of-way marker on the South right-of-way of Columbia Street (Missouri Highway 221) and the Northwest corner of the United States Army Reserve Center, the POINT OF BEGINNING of the tract herein described: thence along the West line of said Army Reserve Center South 24°38'52" East 498.03' to a found No. 5 rebar marking the Southwest corner of said Army Reserve Center; thence South 16°01'44" West 238.03' to a point, thence South 25°42'29" West 2024.68' to a point; thence North 81°56'11" West 30.03' to a point on the East right-of-way of U.S. Highway 67; thence along said East right-of-way of said Highway 67 North 03°47'30" East 36.31' to a point; thence continuing along said East right-of-way North 14°42'22" East 131.51' to a point; thence continuing along said East right-of-way 03°26'38" West 201.66' to a found right-of-way marker; thence continuing along said East right-of-way North 03°45'45" East 952.18' to a point; thence continuing along said East right-of-way North 12°19'49" East 961.53' to a found right-of-way marker on the East right-of-way of U.S. Highway 72 and the South right-of-way of Columbia Street (Missouri Highway 221); thence along said South right-of-way North 40°51'00" East 127.36' to a found right-of-way marker; thence continuing along said South right-of-way North 59°52'29" East 300.57' to the point of beginning. Containing 23.96 acres, more or less. Being part of Deed Book 343 at Page 441.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to,

the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

**Section 7. 1.** The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the New Ballwin Mental Health Group Home located in St. Louis County, more particularly described as follows:

**Parcel 1:**

A tract of land in the Southwest 1/4 of Northeast 1/4 of Section 10, Township 44 North, Range 4 East in St. Louis County, Missouri, and described as: Beginning at intersection of the North line of Southwest 1/4 of Northeast 1/4 of Section 10 and the East line of New Ballwin Road, 80 feet wide, thence along the East line of New Ballwin Road, South 0 degrees 30 minutes West 234.58 feet to a point; thence South 90 degrees 00 minutes East 340 feet to a point; thence North 0 degrees 00 minutes East 183 feet to a point; thence South 90 degrees 00 minutes East 213 feet to a point; thence South 0 degrees 00 minutes West, 348 feet, more or less to a point in the centerline of a creek, thence following the centerline of said creek in a Southeast direction to its intersection with the East line of said Southwest 1/4 of Northeast 1/4, thence North 0 degrees 32 minutes 20 seconds East 717 feet to the Northeast corner of said Southwest 1/4 of Northeast 1/4, thence West along the North line of said Southwest 1/4 of Northeast 1/4, North 89 degrees 23 minutes West 1307.10 feet to a point of beginning, according to Survey executed by Clayton Surveying & Engineering Company on March 8, 1971.

**Parcel 2:**

A tract of land in the Southwest 1/4 of the Northeast 1/4 of Section 10, Township 44 North, Range 4 East, St. Louis County, Missouri and described as follows: Commencing at a point in the centerline of New Ballwin, 80 feet wide Road, said point being distant South 0 degrees 30 minutes West 235.00 feet from the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of said Section 10; thence leaving said point and running South 90 degrees 00 minutes East, 354.00 feet to the point of beginning of the herein described tract of land, said point also being the centerline of a creek as located by Rowland Surveying Company, Inc., December 11, 1969; thence continuing South 90 degrees 00 minutes East 26.00 feet to a point; thence North 0 degrees 00 minutes East, 183.00 feet to a point; thence South 90 degrees 00 minutes East 213.00 feet to a point; thence South 0 degrees 00 minutes West, 348 feet, more or less to a point in the centerline of the aforementioned creek; thence along the centerline meanders of said creek Westwardly; Northwardly and Northwestwardly to the point of beginning.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

**Section 8. 1.** The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located at the Warden's Residence at the Boonville Correctional Center located in Boonville, Cooper County, more particularly described as follows:

**A tract of land in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 36, T49N, R17W, Cooper County, Missouri, being more particularly described as follows:**

**Starting at the Northwest Corner of Section 36, T49N, R17W; thence N86°-46'-30"E, along the North Line of said Section, 675.61 feet to the northerly extension of the West Line of the Boonville Correctional Facility; thence S2°-32'-35"W, along said line extended, 40.57 feet to the South right-of-way line of Morgan Street and the point of beginning.**

**From the point of beginning, N88°-13'-15"E, along said right-of-way line, 409.00 feet; thence S4°-03'-10"W 385.00 feet; thence S88°-05'-30"W 398.90 feet to the West Line of said facility as established per surveys recorded in Surveyor's Record Book 8, Page 108 and Page 199; thence N2°-32'-35"E, along said West Line, 385.00 feet to the point of beginning and containing 3.56 acres.**

**This tract is subject to easements and restrictions of record.**

**2.** The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

**3.** The attorney general shall approve as to form the instrument of conveyance.

**Section 9. 1.** The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Franklin County, Missouri, more particularly described as follows:

**Tract No. 500**

**A tract of land situated in the County of Franklin, State of Missouri, being part of the southeast quarter of section 7, and the northwest quarter of the southwest quarter of section 8, township 42 north, range 2 west of the 5th principal meridian, and being more particularly described as follows:**

**Beginning at the southeast corner of the northwest quarter of the southwest quarter of section 8, township 42 north, range 2 west of the 5th principal meridian; thence Westwardly, to the southwest corner of the northeast quarter of the southeast quarter of section 7, township 42 north, range 2 west of the 5th principal meridian; thence Southwardly, to the southeast corner of the southwest quarter of the southeast quarter of section 7; thence westwardly along the south line of the southeast quarter, to a point which lies eastwardly, 631.0 feet from the southwest corner of the southeast quarter of section 7; thence north 7°00' west to a point of the centerline of the abandoned "Old Public Road;" thence north 41°30' east along the above mentioned centerline, to the south line of the northeast quarter of section**



7; thence Eastwardly, to the northeast corner of the northwest quarter of the southwest quarter of the above mentioned section 8; thence southwardly to the point of beginning.

**ALSO:**

Beginning at the northwest corner of the southeast quarter of the southeast quarter of the above mentioned section, township 42 north, range 2 west of the 5th principal meridian; thence Southwardly, 528.0 feet along the west line of the southeast quarter of the southeast quarter of section 7; thence North 70°00' east, 305.0 feet to a point; thence North 88°30' east, 183.0 feet to a point; thence North 77°45' east, 195.0 feet to a point; thence North 53°30' east, 442.0 feet to a point, thence North 55°00' east to a point on the north line of the southeast quarter of the southeast quarter of section 7; thence Westwardly to the point of beginning, in all, containing 112.50 acres, more or less.

**Tract No. 605**

A tract of land situated in the County of Franklin, State of Missouri, being part of the north half of the northeast fractional quarter, and part of the southeast fractional quarter of the northeast fractional quarter of section 18, township 42 north, range 2 west of the 5th principal meridian, and being more particularly described as follows; all bearings being referred to grid north:

Beginning at the southwest corner of the northwest quarter of the northeast quarter of section 18, township 42 north, range 2 west of the 5th principal meridian; thence Northwardly to a point on the west line of the northwest quarter of the northeast quarter of section 18 which lies southwardly, 660.0 feet from the northwest corner of the northwest quarter of the northeast quarter; thence Northeastwardly to a point on the north line of section 18 which lies eastwardly 818.4 feet from the northwest corner of the northwest quarter of the northeast quarter of section 18; thence Eastwardly along the north line of section 18, to a point in the middle of the Bourbeuse River; thence Southeastwardly along the middle of the Bourbeuse River to a point on the east line of the northeast quarter of section 18; thence Southwardly, along the east line of the northeast quarter of section 18 to a point on the northwesterly boundary line of United States Survey No. 3129, thence Southwestwardly, along the above mentioned boundary line of Survey No. 3129 to a point on the west line of the southeast quarter of the northeast quarter of section 18; thence Northwardly, to the southeast corner of the northwest quarter of the northeast quarter of section 18; thence Westwardly, to the point of beginning, containing 93.00 acres, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

Section 10. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey,

remise, release and forever quitclaim all interest of the state of Missouri in real property located at the Sunrise State School in Marshfield, Webster County, more particularly described as follows:

**The North two hundred, forty feet (240 ft.) of Lot 4, of Block 3 of Shook Addition to the City of Marshfield, Missouri, Webster County, Missouri, according to the plat filed at Plat Book 4 and Page 48 of the records of the Recorder of Deeds of Webster County, Missouri.**

**2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.**

**3. The attorney general shall approve as to form the instrument of conveyance.**

**Section 11. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim any or all interest of the state of Missouri in real property located at the Nevada Habilitation Center, as specifically described herein. The authorization includes the lease-purchase of one portion and sale of the remainder of the property, in the Northwest 1/4 of Section 33, Township 36 North, Range 31 West of the 5th P.M. in Nevada, Missouri, Vernon County, more particularly described as follows:**

**Beginning at the Northwest corner of said Northwest 1/4; thence S88°18'28"E along the North line of said Northwest 1/4, a distance of 2629.18 feet to the Northeast Corner of said Northwest 1/4; thence S02°13'14"W along East line of said Northwest 1/4, a distance of 1219.36 feet; thence N88°36'07"W a distance of 823.82 feet; thence N02°14'03"E a distance of 580.95 feet; thence N88°18'28"W a distance of 519.23 feet to the Westerly Right of Way line of State Highway "W"; thence S02°12'02"W along said Right of Way line, a distance of 135.07 feet; thence N88°18'28"W a distance of 521.65 feet; thence S02°21'48"W a distance of 388.33 feet; thence N88°18'28"W a distance of 766.97 feet to the West line of said Northwest 1/4; thence N02°21'48"E along said West line, a distance of 1166.06 feet returning to the Point of Beginning. Having an Area of 60.58 acres.**

**Subject to road right of ways and easements, public and private, as may now be located.**

**2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.**

**3. The attorney general shall approve as to form the instrument of conveyance.**

Section B. Because immediate action is necessary to generate revenue from the sale of state property, the enactment of sections 1 to 11 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 1 to 11 of this act shall be in full force and effect upon its passage and approval."

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Lager moved that **SCS for HB 2285**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SCS for HB 2285**, as amended, was read the 3rd time and passed by the

following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SB 791**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 981**, entitled:

An Act to repeal sections 94.510, 94.550, 94.577, 144.030, and 144.817, RSMo, and to enact in lieu thereof eight new sections relating to sales tax, with an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment No. 1 to House Amendment 8 and House Amendment No. 8, as amended.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 981, Section A, Page 1, Line 3, by inserting after all of said section the following:

**“32.070. 1. The director of the department of revenue shall enter into the streamlined sales and use tax agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce. In furtherance of the streamlined sales and use tax agreement, the director of the department of revenue may act jointly with other states that are members of the streamlined sales and use tax agreement to establish standards for certification of a certified service provider and certified automated system and establish performance standards for multistate sellers.**

**2. The director of the department of revenue may take other action reasonably required to implement the provisions set forth in the streamlined sales and use tax administration act, including, but not limited to, the promulgation of rules and the joint procurement, with other member states, of goods and services in furtherance of the streamlined sales and use tax agreement.**

**3. The director of the department of revenue or the director’s designee may represent this state before the other states that are signatories to the streamlined sales and use tax agreement.**

**4. The department of revenue shall promulgate rules necessary to implement the provisions of the streamlined sales and use tax agreement. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2012, shall be invalid and void.**

**32.086. Notwithstanding any other provision of law, for all local sales and use taxes collected by the department and remitted to a political jurisdiction or taxing district, the department shall remit one percent of the amount collected to the general revenue fund to offset the cost of collection, unless a greater amount is specified in the local sales and use tax law. The department shall not commingle the remaining amounts collected with general revenues and shall remit the remaining amounts collected to the political jurisdiction or taxing district less any credits for erroneous payments, overpayments, and dishonored checks.**

**32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or**

official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection [18] **17** of this section.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. [The brackets required to be established by the director of revenue under the provisions of section 144.285, RSMo, shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5.] The ordinance or order imposing a local sales tax under the local sales tax law shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

[6.] **5.** On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

[7.] **6.** All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

[8.] **7.** All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, RSMo, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

[9.] **8.** The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an

exemption from any local sales tax imposed by the local sales tax law.

[10.] **9.** All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

[11.] **10.** The penalties provided in section 32.057 and sections 144.010 to 144.525, RSMo, for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

[12.] **11.** (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be [deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works] **sourced as provided by sections 144.1034 and 144.1037.**

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

[13.] **12.** Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

[14.] **13.** The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

[15.] **14.** The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity.

Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

[16.] **15.** Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

[17.] **16.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

[18.] **17.** If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

**18. If the boundaries of a city in which a sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city within ten days of adoption of the ordinance. The ordinance shall reflect the effective date of the ordinance and shall be accompanied by a map of the city clearly showing the territory added or detached from the city boundaries. Upon receipt of the ordinance and map, the tax imposed under the local sales tax law shall be effective in the added territory or abolished in the detached territory on the first day of the second calendar quarter after the director of revenue receives notice of the boundary change.**

67.576. 1. The following provisions shall govern the collection of the tax imposed by the provisions of sections 67.571 to 67.577:

(1) All applicable provisions contained in sections 144.010 to 144.510, RSMo, governing the state sales tax and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

(2) All exemptions granted to agencies of government, organizations, and persons under the provisions

of sections 144.010 to 144.510, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by sections 67.571 to 67.577.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.571 to 67.577, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 67.571 to 67.577.

3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law for the collection of and for payment of taxes pursuant to that act are hereby allowed and made applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

4. The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.510, RSMo, for a violation of those acts are hereby made applicable to violations of the provisions of sections 67.571 to 67.577.

5. [For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer.] **Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under section 67.571 to 67.577.**

67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the county?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO"; or

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of ..... (insert amount) to fund ..... dollars of the costs to construct a regional jail and to fund the costs to operate a



regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principal on bonds issued for said capital improvement projects.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing law enforcement services for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state’s general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the “County Law Enforcement Sales Tax Trust Fund”. The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the

ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved.** The county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

67.584. 1. The governing body of any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half percent on all retail sales made in such county which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

“Shall the county of ..... (county’s name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the county?”

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax.** If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. Twenty-five percent of the revenue received by a county treasurer from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely by a prosecuting attorney's office for such county for so long as the tax shall remain in effect. The remainder of revenue shall be deposited in the county law enforcement sales tax trust fund established pursuant to section 67.582 of the county levying the tax pursuant to this section. The revenue derived from the tax imposed pursuant to this section shall be used for public law enforcement services only. No revenue derived from the tax imposed pursuant to this section shall be used for any private contractor providing law enforcement services or for any private jail.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the prosecuting attorney's trust fund shall be used solely by a prosecuting attorney's office for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement sales tax trust fund, pursuant to the deposit ratio in subsection 3 of this section. The moneys in the trust funds shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trusts and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust funds during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from either trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the funds for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust funds and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, **the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved.** The county shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director of revenue may order retention in the appropriate trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayments of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county established pursuant to this section. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

67.671. 1. The governing body of any county, except first class counties other than first class counties without charter form of government not adjoining any other first class county unless such first class county contains part of a city with a population over four hundred and fifty thousand, and except as otherwise provided in subsection 4 or subsection 7 of this section may, by a majority vote, impose a tourism sales tax throughout or in any portion of the county for the promotion of tourism as provided in this act, but such tax shall not become effective unless the governing body of the county submits to the voters of the county, at a public election, a proposal to authorize the county to impose a tax under the provisions of sections 67.671 to 67.685.

2. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (Insert the name of the county) impose a tourism sales tax of ..... (Insert rate of percent) percent in certain areas of the county?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall be in effect **on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax**. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the tax authorized by sections 67.671 to 67.685, unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the tax, and such proposal is approved by a majority of the qualified voters voting thereon.

3. Except as otherwise provided in subsection 4 or subsection 7 of this section, the tourism tax may be imposed at a rate of not more than seven-eighths of one percent on the receipts from the sale at retail of certain tangible personal property or taxable services within that part of the county for which such tax has been adopted, as specified in section 67.674.

4. The governing body of any third class county which adjoins the Mississippi River and which also adjoins one or more first class counties without a charter form of government and which has a population of not more than sixteen thousand inhabitants according to the 1980 decennial census may, by a majority vote, impose:

(1) A tourism [sales] tax on the [sale] **gross receipts** of all food and beverages sold for consumption on the premises of all restaurants, bars, taverns, or other establishments which are primarily used to provide food and beverage services;

(2) A tourism [sales] tax upon the rent or lease charges paid by transient guests of hotels, motels, condominiums, houseboats, and space rented in campgrounds;

(3) Or both.

The tax may be imposed throughout or in any portion of the county for the promotion of tourism as provided in sections 67.671 to 67.685 but such tax shall not become effective unless the governing body of the county submits to the voters of the county, at a public election, a proposal to authorize the county to impose the tax.

5. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (Insert name of county) impose a tourism [sales] tax of ..... (Insert rate of percent) percent on the sale or rental of ..... (Insert type of property or service) in certain areas of the county?

☐ YES☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the tax unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the tax, and such proposal is approved by a majority of the qualified voters voting thereon. The tourism tax may be imposed at a rate of not more than two percent on the receipts from the sale or rental at retail of certain tangible personal property or taxable services as provided in this subsection within that part of the county for which such tax has been adopted.

6. Within ten days after a vote in favor of the adoption of a tourism [sales] tax by the voters of any such county, the governing body of the county shall make its order imposing the tax. The tax shall become effective on the first day of the [first] **second** calendar quarter after [such order is made; provided that in any first class county with a population of at least eighty thousand but less than one hundred thousand, the tax shall become effective on the first day of the first month which begins more than thirty days after such order is made, and such tax shall be collected by the department of revenue in the same manner as prescribed in section 32.087, RSMo, except as otherwise provided in this section] **the director of revenue receives notification of adoption of such tax.**

7. In any county which has any part of a Corps of Engineers lake with a shoreline of at least eight hundred miles and not exceeding a shoreline of nine hundred miles, the tourism tax may be imposed at a rate of not more than two percent on the receipts from the sale at retail of certain tangible personal property or taxable services, subject to tax pursuant to chapter 144, RSMo, within that portion of the county for which such tax has been adopted. All areas in such county imposing a tourism tax eligible to do so under the provisions of this section shall be contiguous with all other areas which adopt the tax.

8. All tourism [sales] tax collected pursuant to subsection [7] **4** of this section shall be collected and administered by the county collector as provided in section 67.680 and deposited in the "County Advertising and Tourism Sales Tax Trust Fund" created in such section.

**9. All tourism tax collected pursuant to subsection 7 of this section shall be collected and administered as provided in subsection 6 of this section and deposited by the county in the county advertising and tourism sales tax trust fund created in such section.**

67.678. 1. The following provisions shall govern the collection of the tax imposed by the provisions of sections 67.671 to 67.685:

(1) All applicable provisions contained in sections 144.010 to 144.510, RSMo, governing the state sales tax and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the provisions of sections 67.671 to 67.685, except as modified in sections 67.671 to 67.685;

(2) All exemptions granted to agencies of government, organizations, and persons under the provisions of sections 144.010 to 144.510, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by sections 67.671 to 67.685.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.671 to 67.685, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption

from the tax imposed by sections 67.671 to 67.685.

3. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under that act are hereby allowed and made applicable to any taxes collected under the provisions of sections 67.671 to 67.685.

4. The penalties provided in sections 32.057 and 144.010 to 144.510, RSMo, for a violation of those acts are hereby made applicable to violations of the provisions of sections 67.671 to 67.685.

[5. For the purposes of the tourism sales tax imposed by an order pursuant to sections 67.671 to 67.685, all retail sales shall be deemed to be consummated at the place of business of the retailer.]

67.1303. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants, any home rule city with more than forty-five thousand five hundred but less than forty-five thousand nine hundred inhabitants and the governing body of any city within any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants and the governing body of any county of the third classification without a township form of government and with more than forty thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144, RSMo. In addition, the governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city or county) impose a sales tax at a rate of .....  
(insert rate of percent) percent for economic development purposes?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter [following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal] **after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting on the question are opposed, then the tax shall not become effective unless the question is resubmitted under this section to the qualified voters and such**

**question is approved by a majority of the qualified voters voting on the question. No proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.**

3. No revenue generated by the tax authorized in this section shall be used for any retail development project. At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (1) Acquisition of land;
- (2) Installation of infrastructure for industrial or business parks;
- (3) Improvement of water and wastewater treatment capacity;
- (4) Extension of streets;
- (5) Providing matching dollars for state or federal grants;
- (6) Marketing;

(7) Providing grants and low-interest loans to companies for job training, equipment acquisition, site development, and infrastructure. Not more than twenty-five percent of the revenue generated may be used annually for administrative purposes, including staff and facility costs.

4. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

**5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any city or county abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city or county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.**

6. Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The board shall consist of eleven members, to be appointed as follows:

(1) Two members shall be appointed by the school boards whose districts are included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall

be appointed in any manner agreed upon by the affected districts;

(2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for an economic development project or area funded by the sales tax authorized in this section, excluding representatives of the governing body of the city or county;

(3) One member shall be appointed by the largest public school district in the city or county;

(4) In each city or county, five members shall be appointed by the chief elected officer of the city or county with the consent of the majority of the governing body of the city or county;

(5) In each city, two members shall be appointed by the governing body of the county in which the city is located. In each county, two members shall be appointed by the governing body of the county.

At the option of the members appointed by a city or county the members who are appointed by the school boards and other taxing districts may serve on the board for a term to coincide with the length of time an economic development project, plan, or designation of an economic development area is considered for approval by the board, or for the definite terms as provided in this subsection. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time an economic development project, plan, or area is approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the governing body of the city or county. If any school district or other taxing jurisdiction fails to appoint members of the board within thirty days of receipt of written notice of a proposed economic development plan, economic development project, or designation of an economic development area, the remaining members may proceed to exercise the power of the board. Of the members first appointed by the city or county, three shall be designated to serve for terms of two years, three shall be designated to serve for a term of three years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the city or county shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

[6.] 7. The board, subject to approval of the governing body of the city or county, shall develop economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area.

[7.] 8. The board shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section.

[8.] 9. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the city or county) repeal the sales tax imposed at a rate of ..... (insert rate of percent) percent for economic development purposes?



☐ YES☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

[9.] **10.** Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

**11. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

**12. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.**

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors [and sales to or by public utilities and providers of communications, cable, or video services]. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the ..... (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of

providing revenue for ..... (insert general description of the purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.087, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. [The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087, RSMo.

**5.] After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer’s sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

[6. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.

7.] 6. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.

[8.] 7. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

[9.] 8. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district’s ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

[10.] 9. Notwithstanding the provisions of chapter 115, RSMo, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section.

**10. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.**

67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax of not more than one percent on all retail sales, except sales of [food as defined in section 144.014, RSMo, sales of] new or used motor vehicles[, trailers, boats, or other outboard motors, all utilities, telephone and wireless services, and sales of funeral services], made **on or after January 1, 2012**, within the district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. Upon the written request of the board to the election authority of the county in which a majority of the area of the district is situated, such election authority shall submit a proposition to the residents of such district at a municipal or statewide primary or general election, or at a special election called for that purpose. Such election authority shall give legal notice as provided in chapter 115, RSMo.

2. Such proposition shall be submitted to the voters of the district in substantially the following form at such election:

Shall the Tourism Community Enhancement District impose a sales tax of ..... (insert amount) for the purpose of promoting tourism in the district?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting thereon are in favor of the proposal, then the order shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If the proposal receives less than the required majority, then the board shall have no power to impose the sales tax authorized pursuant to this section unless and until the board shall again have submitted another proposal to authorize the board to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district.

67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

2. Whenever not less than fifty owners of real property located within any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants, or any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants, or any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, or any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants, or any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants, or any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants, or any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants, or any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants, or any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants, or any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty

thousand four hundred inhabitants, desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

(1) The name and residence of each petitioner and the location of the real property owned by the petitioner;

(2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and

(3) The name of the proposed district.

3. Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

(1) A description of the boundaries of the proposed district;

(2) The time and place of a hearing to be held to consider establishment of the proposed district;

(3) The proposed sales tax rate to be voted on within the proposed district; and

(4) The proposed uses for the revenue generated by the new sales tax.

4. Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

(1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;

(2) Hear all protests and receive evidence for or against the establishment of the proposed district; and

(3) Rule upon all protests, which determinations shall be final.

5. Following the hearing, if the governing body of each county located within the proposed district decides to establish the proposed district, it shall adopt an order to that effect; if the governing body of any county located within the proposed district decides to not establish the proposed district, the boundaries of the proposed district shall not include that county. The order shall contain the following:

(1) The description of the boundaries of the district;

(2) A statement that an exhibition center and recreational facility district has been established;

(3) The name of the district;

(4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and

(5) A declaration that the district is a political subdivision of the state.

6. A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales within the district, which are subject to taxation pursuant

to sections 144.010 to 144.525, RSMo, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the ..... (name of district) impose a sales tax of one-fourth of one percent to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities, for a period of ..... (insert number of years)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast in the portion of any county that is part of the proposed district favor the proposal, then the sales tax shall become effective in that portion of the county that is part of the proposed district on the first day of the [first] **second** calendar quarter [immediately following the election] **after the director of revenue receives notification of adoption of the local sales tax**. If a majority of the votes cast in the portion of a county that is a part of the proposed district oppose the proposal, then that portion of such county shall not impose the sales tax authorized in this section until after the county governing body has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon.

However, if a sales tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section. If the qualified voters in two or more counties that have contiguous districts approve the sales tax proposal, the districts shall combine to become one district.

7. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated pursuant to this section consisting of four individuals to represent each county approving the district, as provided in this subsection. The governing body of each county located within the district, upon approval of that county's sales tax proposal, shall appoint four members to the board of trustees; at least one shall be an owner of a nonlodging business located within the taxing district, or their designee, at least one shall be an owner of a lodging facility located within the district, or their designee, and all members shall reside in the district except that one nonlodging business owner, or their designee, and one lodging facility owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five years of age and a resident of this state. Of the initial trustees appointed from each county, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. Trustees may be removed if:

(1) By a two-thirds vote, the board moves for the member's removal and submits such motion to the governing body of the county from which the trustee was appointed; and

(2) The governing body of the county from which the trustee was appointed, by a majority vote, adopts the motion for removal.

8. The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions, and proceedings;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a single exhibition center and recreational facilities or to assist in such activity. "Recreational facilities" means locations explicitly designated for public use where the primary use of the facility involves participation in hobbies or athletic activities;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be further secured by other property of the district, which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170, RSMo. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(6) To refund any bonds, notes, or other obligations of the district without an election. The terms and conditions of refunding obligations shall be substantially the same as those of the original issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding obligations in the same manner as is provided for the payment of interest and principal of obligations refunded;

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift, or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution

and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted by this section.

9. There is hereby created the “Exhibition Center and Recreational Facility District Sales Tax Trust Fund”, which shall consist of all sales tax revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri. The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state’s general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

10. The sales tax authorized by this section is in addition to all other sales taxes allowed by law. **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

11. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, apply to the sales tax imposed pursuant to this section.

[11.] 12. Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the ..... (name of district) extend the sales tax of one-fourth of one percent for a period of ..... (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a sales tax extension is not approved, the district may submit

another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

[12.] **13.** Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270, RSMo, or repurchase agreements secured by such securities. If the district abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

[13.] **14.** In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount not to exceed one-half of one percent on all retail sales made in such city which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, for the promotion of tourism in such city. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to this section shall be effective unless the governing authority of the city submits to the qualified voters of the city, at any municipal or state general, primary, or special election, a proposal to authorize the governing authority of the city to impose a tax.

2. The ballot of submission shall be in substantially the following form:



“Shall the city of ..... (city’s name) impose a citywide sales tax of ..... (insert amount) for the purpose of promoting tourism in the city?”

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the [first] **second** calendar quarter immediately [following notification to] **after** the director of the department of revenue [of the election approving the proposal] **receives notification of adoption of the local sales tax**. If a proposal receives less than the required majority, then the governing authority of the city shall have no power to impose the sales tax unless and until the governing authority of the city has submitted another proposal to authorize the imposition of the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. [On and after the effective date of any tax authorized in this section, the city may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized in this section. The tax authorized in this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain an amount not to exceed one percent for cost of collection.

4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter.] **After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

[5.] 4. (1) The governing authority of any city that has adopted any sales tax pursuant to this section shall, upon filing of a petition calling for the repeal of such sales tax signed by at least ten percent of the qualified voters in the city, submit the question of repeal of the sales tax to the qualified voters at any primary or general election. The ballot of submission shall be in substantially the following form:

Shall ..... (insert name of city) repeal the sales tax of ..... (insert rate of percent) percent for tourism

purposes now in effect in ..... (insert name of city)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

(2) Once the tax is repealed as provided in this section, all funds remaining in any trust fund or account established to receive revenues generated by the tax shall be used solely for the original stated purpose of the tax. Any funds which are not needed for current expenditures may be invested by the governing authority in accordance with applicable laws relating to the investment of other city funds.

(3) The governing authority of a city repealing a tax pursuant to this section shall notify the director of revenue of the action at least forty-five days before the effective date of the repeal and the director of revenue may order retention in any trust fund created in the state treasury associated with the tax, for a period of one year, of two percent of the amount collected after receipt of such notice to cover refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of repeal of the tax in the city, the director of revenue shall remit the balance in the trust fund to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

(4) In the event that the repeal of a sales tax pursuant to this section dissolves or terminates a taxing district, the governing authority of the city shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing authority of the city, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the city treasurer or the equivalent official and take receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall deliver to the clerk of the governing authority of the city all books, papers, records, and deeds belonging to the dissolved district.

[6.] **5.** Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

67.2525. 1. Each member of the board of directors shall have the following qualifications:

(1) As to those subdistricts in which there are registered voters, a resident registered voter in the subdistrict that he or she represents, or be a property owner or, as to those subdistricts in which there are not registered voters who are residents, a property owner or representative of a property owner in the subdistrict he or she represents;

(2) Be at least twenty-one years of age and a registered voter in the district.

2. The district shall be subdivided into at least five but not more than fifteen subdistricts, which shall

be represented by one representative on the district board of directors. All board members shall have terms of four years, including the initial board of directors. All members shall take office upon being appointed and shall remain in office until a successor is appointed by the mayor or chairman of the municipality in which the district is located, or elected by the property owners in those subdistricts without registered voters.

3. For those subdistricts which contain one or more registered voters, the mayor or chairman of the city, town, or village shall, with the consent of the governing body, appoint a registered voter residing in the subdistrict to the board of directors.

4. For those subdistricts which contain no registered voters, the property owners who collectively own one or more parcels of real estate comprising more than half of the land situated in each subdistrict shall meet and shall elect a representative to serve upon the board of directors. The clerk of the city, town, or village in which the petition was filed shall, unless waived in writing by all property owners in the subdistrict, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property within the subdistrict at a day and hour specified in a public place in the city, town, or village in which the petition was filed for the purpose of electing members of the board of directors.

5. The property owners, when assembled, shall organize by the election of a temporary chairman and secretary of the meeting who shall conduct the election. An election shall be conducted for each subdistrict, with the eligible property owners voting in that subdistrict. At the election, each acre of real property within the subdistrict shall represent one share, and each owner, including corporations and other entities, may have one vote in person or for every acre of real property owned by such person within the subdistrict. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary chairman and secretary to the municipal clerk if the district is established by a municipality described in this section, or to the circuit clerk if the district is established by a circuit court.

6. Successor boards shall be appointed or elected, depending upon the presence or absence of resident registered voters, by the mayor or chairman of a city, town, or village described in this section, or the property owners as set forth above; provided, however, that elections held by the property owners after the initial board is elected shall be certified to the municipal clerk of the city, town, or village where the district is located and the board of directors of the district.

7. Should a vacancy occur on the board of directors, the mayor or chairman of the city, town, or village if there are registered voters within the subdistrict, or a majority of the owners of real property in a subdistrict if there are not registered voters in the subdistrict, shall have the authority to appoint or elect, as set forth in this section, an interim director to complete any unexpired term of a director caused by resignation or disqualification.

8. The board shall possess and exercise all of the district's legislative and executive powers, including:

(1) The power to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities

within the district;

(2) The power to accept and disburse tax or other revenue collected in the district; and

(3) The power to receive property by gift or otherwise.

9. Within thirty days after the selection of the initial directors, the board shall meet. At its first meeting and annually thereafter the board shall elect a chairman from its members.

10. The board shall appoint an executive director, district secretary, treasurer, and such other officers or employees as it deems necessary.

11. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

12. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

13. At the first meeting, the board, by resolution, shall receive the certification of the election regarding the sales tax, and may impose the sales tax in all subdistricts approving the imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become effective on the first day of the [first] **second** calendar quarter [immediately following the action by the district board of directors imposing the tax] **after the director of revenue receives notification of adoption of the local sales tax.**

14. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. Directors may be compensated, but such compensation shall not exceed one hundred dollars per month.

15. In addition to all other powers granted by sections 67.2500 to 67.2530, the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation, interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a district facility or to assist in such activity;

(4) To acquire, develop, construct, equip, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(5) To collect and disburse funds for its activities;

(6) To collect taxes and other revenues;

(7) To borrow money and incur indebtedness and evidence the same by certificates, notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or any part of the cost of land, construction, development, or equipping of any facilities or operations of the district;

(8) To own or lease real or personal property for use in connection with the exercise of powers pursuant

to this subsection;

(9) To provide for the election or appointment of officers, including a chairman, treasurer, and secretary. Officers shall not be required to be residents of the district, and one officer may hold more than one office;

(10) To hire and retain agents, employees, engineers, and attorneys;

(11) To enter into entertainment contracts binding the district and artists, agencies, or performers, management contracts, contracts relating to the booking of entertainment and the sale of tickets, and all other contracts which relate to the purposes of the district;

(12) To contract with a local government, a corporation, partnership, or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity;

(13) To contract for transfer to a city, town, or village such district facilities and improvements free of cost or encumbrance on such terms set forth by contract;

(14) To exercise such other powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

16. A district may at any time authorize or issue notes, bonds, or other obligations for any of its powers or purposes. Such notes, bonds, or other obligations:

(1) Shall be in such amounts as deemed necessary by the district, including costs of issuance thereof;

(2) Shall be payable out of all or any portion of the revenues or other assets of the district;

(3) May be secured by any property of the district which may be pledged, assigned, mortgaged, or otherwise encumbered for payment;

(4) Shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify;

(5) Shall be in such denomination, bear interest at such rates, be in such form, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide; and

(6) May be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

The provisions of this subsection are applicable to the district notwithstanding the provisions of section 108.170, RSMo.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at any time by the district by issuing refunding bonds in such amount as the district may deem necessary. Such bonds shall be subject to and shall have the benefit of the foregoing provisions regarding notes, bonds, and other obligations. Without limiting the generality of the foregoing, refunding bonds may include amounts necessary to finance any premium, unpaid interest, and costs of issuance in connection with the refunding bonds. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations being refunded or the exchange of the refunding bonds for the obligations

being refunded with the consent of the holders of the obligations being refunded.

2. Notes, bonds, or other indebtedness of the district shall be exclusively the responsibility of the district payable solely out of the district funds and property and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. Any notes, bonds, or other indebtedness of the district shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

3. Any district may by resolution impose a district sales tax of up to one-half of one percent on all retail sales made in such district that are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. Upon voter approval, and receiving the necessary certifications from the governing body of the municipality in which the district is located, or from the circuit court if the district was formed by the circuit court, the board of directors shall have the power to impose a sales tax at its first meeting, or any meeting thereafter. Voter approval of the question of the imposing sales tax shall be in accordance with section 67.2520. [The sales tax shall become effective in those subdistricts that approve the sales tax on the first day of the first calendar quarter immediately following the passage of a resolution by the board of directors imposing the sales tax.

4. In each district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the district pursuant to this section to the retailer's sale price, and when so added, such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

5. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

6.] 4. All revenue received by a district from the sales tax authorized by this section shall be deposited in a special trust fund and shall be used solely for the purposes of the district. Any funds in such special trust fund which are not needed for the district's current expenditures may be invested by the district board of directors in accordance with applicable laws relating to the investment of other district funds.

[7.] 5. The sales tax may be imposed at a rate of up to one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo. Any district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the subdistricts approving the sales tax.

[8. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the district.

9. (1) On and after the effective date of any sales tax imposed pursuant to this section, the district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The

sales tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the district.

**(2)] 6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

7. All [such] sales taxes [collected by the district] shall be deposited by the district in a special fund to be expended for the purposes authorized in this section. The district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each district and the general public.

[(3) The district may contract with the municipality that the district is within for the municipality to collect any revenue received by the district and, after deducting the cost of such collection, but not to exceed one percent of the total amount collected, deposit such revenue in a special trust account. Such revenue and interest may be applied by the municipality to expenses, costs, or debt service of the district at the direction of the district as set forth in a contract between the municipality and the district.

10. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons, and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must

be forwarded elsewhere for acceptance, approval of credit, shipment, or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

(7)] **8.** Subsequent to the initial approval by the voters and implementation of a sales tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half of one percent on retail sales as provided in this subsection. The election shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the increase of the sales tax before the voters of the district by resolution, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections, the election judges shall certify the election results to the district board of directors. The ballot of submission shall be in substantially the following form:

Shall ..... (name of district) increase the ..... (insert amount) percent district sales tax now in effect to..... (insert amount) in the ..... (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the increase, the increase shall become effective [December thirty-first of the calendar year in which such increase was approved] **on the first day of the second calendar quarter after the director of revenue receives notification of the local sales tax increase.**

[11.] **9.** (1) There shall not be any election as provided for in this section while the district has any financing or other obligations outstanding.

(2) The board, when presented with a petition signed by at least one-third of the registered voters in a district that voted in the last gubernatorial election, or signed by at least two-thirds of property owners of the district, calling for an election to dissolve and repeal the tax shall submit the question to the voters using the same procedure by which the imposing tax was voted. The ballot of submission shall be in substantially the following form:

Shall ..... (name of district) dissolve and repeal the ..... (insert amount) percent district sales tax now in effect in the ..... (name of district)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors.

(3) If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which



such repeal was approved or after the repayment of the district's indebtedness, whichever occurs later. **If the district abolishes the tax, the district shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

[12.] **10.** (1) At such time as the board of directors of the district determines that further operation of the district is not in the best interests of the inhabitants of the district, and that the district should dissolve, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the ..... theater, cultural arts, and entertainment district be abolished?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(2) The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, while indebtedness of the district is outstanding, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting the question to abolish the district to a vote of the entire district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law. The vote on the abolition of the district shall be conducted by the municipal clerk of the city, town, or village in which the district is located. The procedure shall be the same as in section 67.2520, except that the question shall be determined by the qualified voters of the entire district. No individual subdistrict may be abolished, except at such time as the district is abolished.

(3) While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

(4) Upon receipt by the board of directors of the district of the certification by the city, town, or village in which the district is located that the majority of those voting within the entire district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board of directors of the district shall:

(a) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district to the city, town, or village in which the district is located, including revenues due and owing the district, for its further use and disposition;

(b) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(c) At a public meeting of the district, declare by a resolution of the board of directors passed by a majority vote that the district has been abolished effective that date;

(d) Cause copies of that resolution under seal to be filed with the secretary of state and the city, town, or village in which the district is located.

Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.

(5) The legal existence of the district shall not cease for a period of two years after voter approval of the abolition.

**11. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to**

**the tax imposed under this section.”; and**

Further amend said bill, Section 94.577, Page 9, Line 224, by inserting after all of said section the following:

“94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body of any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section may be imposed at a rate of one-eighth, one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one percent, shall not be imposed for longer than three years, and shall be imposed solely for the purpose of funding the construction, operation, and maintenance of capital improvements in the city’s center city. The governing body may issue bonds for the funding of such capital improvements, which will be retired by the revenues received from the sales tax authorized by this section. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state or municipal general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city) impose a sales tax at a rate of .....(insert rate of percent) percent for a capital improvements purposes in the city’s center city for a period of ..... (insert number of years, not to exceed three) years?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question. In no case shall a tax be resubmitted to the qualified voters of the city sooner than twelve months from the date of the proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in [section] **sections 32.085 and 32.087**, RSMo. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and

the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded.

5. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the city) repeal the sales tax imposed at a rate of ..... (insert rate of percent) percent for capital improvements purposes in the city's center city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question. **If the city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least one hundred twenty days prior to the effective date of the repeal.**

6. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

**7. Except as provided in this section, all provisions of sections 32.085 and 32.087 apply to the sales tax imposed under this section.**

94.605. 1. Any city as defined in section 94.600 may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.600 to 94.655.

2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

3. With respect to any tax increment financing plan originally approved by ordinance of the city council after March 31, 2009, in any home rule city with more than four hundred thousand inhabitants and located in more than one county, any three-eighths of one cent sales tax imposed under sections 94.600 to 94.655 shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, RSMo, and tax revenues derived from such taxes shall not be subject to allocation under the provisions of

subsection 3 of section 99.845, RSMo, or subsection 4 of section 99.957, RSMo. Any one-eighth of one cent sales tax imposed in such city under sections 94.600 to 94.655 for constructing and operating a light-rail transit system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918, RSMo, and tax revenues derived from such tax shall not be subject to allocation under the provisions of subsection 3 of section 99.845, RSMo, or subsection 4 of section 99.957, RSMo.

[4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city or county clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.600 to 94.655 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.]

94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525, RSMo.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of .....(county's or city's name) impose a county/city-wide sales tax of.....percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES

☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect on the first day of the [next] **second** calendar quarter beginning after [its adoption and notice to] the director of revenue[, but no sooner than thirty days after such adoption and notice] **receives notice of adoption of the local sales tax.** If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. The provisions of subsection 4 of this section requiring both the city and county to approve a transportation sales tax before a transportation sales tax may go into effect in either jurisdiction shall not apply to any transportation sales tax submitted to and approved by the voters in such city or such county on or after August 28, 2007.

6. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087, RSMo. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

7. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

8. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.700 to 94.755, and issue bonds for transportation purposes which shall be retired by the revenues received from the sales tax authorized by this section. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions of this section shall become effective unless the council or other governing body submits to the voters of the city, at a city or state general, primary, or special election, a proposal to authorize the council or other governing body of the city to impose such a sales tax and, if such tax is to be used to retire bonds authorized pursuant to this section, to authorize such bonds and their retirement by such tax; except that no vote shall be required in any city that imposed and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the city of ..... (city's name) impose a sales tax of ..... (insert amount) for transportation purposes?

☐ YES☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”;

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the city of ..... (city’s name) issue bonds in the amount of ..... (insert amount) for transportation purposes and impose a sales tax of ..... (insert amount) to repay such bonds?

☐ YES☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If the four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast on the proposal, as provided in subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the proposal, then the council or other governing body of the city shall have no power to impose the tax authorized in subdivision (1) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to impose the tax and such proposal is approved by a majority of the qualified voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, then the council or other governing body of the city shall have no power to issue any bonds or to impose the tax authorized in subdivision (2) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to issue such bonds or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the qualified voters voting thereon.

2. No incorporated municipality located wholly or partially within any first class county operating under a charter form of government and having a population of over nine hundred thousand inhabitants shall impose such a sales tax for that part of the city, town or village that is located within such first class county, in the event such a first class county imposes a sales tax under the provisions of sections 94.600 to 94.655.

3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

4. [If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.700

to 94.755 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

5.] No tax imposed pursuant to this section for the purpose of retiring bonds issued pursuant to this section may be terminated until all of such bonds have been retired.

144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 **and sections 144.1025 to 144.1076** have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) **“Agreement”, the streamlined sales and use tax agreement, as amended from time to time;**

(2) **“Admission”** includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

**[(2)] (3) “Advertising and promotional direct mail”, printed material that meets the definition of direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in this subdivision, the word “product” means tangible personal property, a product transferred electronically or a service;**

(4) **“Air-to-ground radiotelephone service”, a radio service, as that term is defined in 47 C.F.R. 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft;**

(5) **“Alcoholic beverages”, beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;**

(6) **“Ancillary services”, services that are associated with or incidental to the provisions of telecommunications services, including but not limited to, detailed telecommunications billing, directory assistance, vertical service, and voice mail services;**

(7) **“Bundled transaction”, the retail sale of two or more products, except real property and services to real property, where the products are otherwise distinct and identifiable, and the products are sold for one non-itemized price. A “bundled transaction” shall not include the sale of any products in which the sales price varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction. As used in this subdivision, the term “distinct and identifiable products” shall not include:**

(a) **Packaging, such as containers, boxes, sacks, bags, bottles, wrapping, labels, tags, instruction guides, or other materials that accompany the retail sale of the products and are incidental or immaterial to the retail sale thereof;**

(b) **A product provided free of charge with the required purchase of another product. A product is provided free of charge if the sales price of the product purchased does not vary depending on the inclusion of the product provided free of charge;**

(c) **Items included in the definition of the term “sales price”. As used in this subdivision, the term “one non-itemized price” shall not include a price that is separately identified by product on binding sales or other supporting sales-related documentation made available to the customer in paper or electronic form including, but not limited to, an invoice, bill of sale, receipt, contract, service**

agreement, lease agreement, periodic notice of rates and services, rate card, or price list. A transaction that otherwise meets the definition of a bundled transaction as defined in this subdivision shall not constitute a bundled transaction if it is:

a. A retail sale of tangible personal property and a service where the tangible personal property is essential to the use of the service and is provided exclusively in connection with the service and the true object of the transaction is the service; or

b. A retail sale of services where one service is provided that is essential to the use of receipt of a second service and the first service is provided exclusively in connection with the second service and the true object of the transaction is the second service; or

c. A transaction that includes taxable products and nontaxable products and the sales price of the taxable products is *de minimis*. “*De minimis*” means the sales price of the taxable product is ten percent or less of the total sales price of the bundled products.

Sellers shall use the sales price of the products to determine if the taxable products are *de minimis*. Sellers shall use the full term of a service contract to determine if the taxable products are *de minimis*; or

d. A retail sale of exempt tangible personal property and taxable tangible personal property where:

i. The transaction included food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies; and

ii. The seller’s purchase price or sales price of the taxable tangible personal property is fifty percent or less of the total sales price of the bundled tangible personal property;

(8) “Business” includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

[(3)] (9) “Call-by-call basis”, any method of charging for telecommunications services where the price is measured by individual calls;

(10) “Certified automated system” or “CAS”, software certified under the streamlined sales and use tax agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction;

(11) “Certified service provider” or “CSP”, an agent certified under the streamlined sales and use tax agreement to perform all the seller’s sales and use tax functions, other than the seller’s obligation to remit tax on its own purchases;



(12) “Communications channel”, a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points;

(13) “Computer software”, a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task;

(14) “Customer”, the person or entity that contracts with the seller of telecommunications services. If the end user of telecommunications services is not the contracting party, the end user of the telecommunications service is the customer of the telecommunication service, but this subdivision only applies to the purpose of sourcing sales of telecommunications under chapter 314. “Customer” shall not include a reseller of telecommunications service or for mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider’s licensed service area;

(15) “Customer channel termination point”, the location where the customer either inputs or receives the communication;

(16) “Delivered electronically”, delivered to the purchaser by means other than tangible storage media;

(17) “Delivery charges”, charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing;

(18) “Dietary supplement”, any product, other than tobacco, intended to supplement the diet that contains one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or a concentrate, metabolite, constituent, extract, or combination of any ingredient described above; and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as a conventional food and is not represented for use as a sole item of a meal or of the diet; and that is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. Section 101.36;

(19) “Direct mail”, printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. The term “direct mail” shall include tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. “Direct mail” shall not include multiple items of printed material delivered to a single address;

(20) “Drug”, a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, alcoholic beverages, or grooming and hygiene products:

(a) Recognized in the official United State Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and supplement to any of them;

(b) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

(c) Intended to affect the structure or any function of the body;

**(21) “Durable medical equipment”, equipment including repair and replacement parts for same, excluding mobility enhancing equipment. Durable medical equipment:**

- (a) Can withstand repeated use;**
- (b) Is primarily and customarily used to serve a medical purpose;**
- (c) Generally is not useful to a person in the absence of illness or injury;**
- (d) Is not worn in or on the body;**
- (e) Is for home use;**
- (f) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement;**
- (g) Shall not include:**
  - a. Oxygen delivery equipment not worn in or on the body, including repair and replacement parts;**
  - b. Kidney dialysis equipment not worn in or on the body, including repair and replacement parts;**
- and**
- c. Enteral feeding systems not worn in or on the body, including repair and replacement parts.**

**As used in this subdivision, the term “repair and replacement parts” shall include all components or attachments used in conjunction with the durable medical equipment;**

**(22) “Electronic”, relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;**

**(23) “End user”, the person who utilizes the telecommunication service. In case of an entity, “end user” means the individual who utilizes the service on behalf of the entity;**

**(24) “Food and food ingredients”, substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. “Food and food ingredients” shall not include alcoholic beverages, tobacco, or dietary supplements;**

**(25) “Food sold through vending machines”, food dispensed from a machine or other mechanical device that accepts payment;**

**(26) “Grooming and hygiene products”, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of over-the-counter-drugs;**

**(27) “Grooming and hygiene products”, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the items meet the definition of over-the-counter-drugs;**

**(28) “Gross receipts” or “sales price”, except as provided in section 144.012, [means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term “gross receipts” shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges**

incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid] **applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:**

**(a) The seller's cost of the property sold;**

**(b) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;**

**(c) Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;**

**(d) Delivery charges;**

**(e) Installation charges; and**

**(f) Credit for any trade-in, as determined by state law;**

**(29) "Home service provider", the same as that term is defined in Section 124(5) of Public Law 106-252, Mobile Telecommunications Sourcing Act;**

**(30) "Lease or rental", any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend. The term "lease or rental" shall not include:**

**(a) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;**

**(b) A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of one hundred dollars or one percent of the total required payments;**

**(c) Providing tangible personal property along with an operator for a fixed or indeterminate period of time provided that the operator is necessary for the equipment to perform as designed and the operator does more than maintain, inspect, or set up the tangible personal property;**

**(d) Agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. 7701(h)(1), as amended;**

**[4.] (31) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, RSMo, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;**

**[(5)] (32) "Load and leave", delivery to the purchaser by use of a tangible storage media where**

**the tangible storage media is not physically transferred to the purchaser;**

**(33) “Mobile telecommunications service”, the same as that term is defined in Section 124(7) of Public Law 106-252, Mobile Telecommunications Sourcing Act;**

**(34) “Mobility enhancing equipment”, equipment, including repair and replacement parts to same, which:**

**(a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; and**

**(b) Is not generally used by persons with normal mobility; and**

**(c) Is within the classification of devices eligible for MO HealthNet and Medicare reimbursement.**

**The term “mobility enhancement equipment” shall not include durable medical equipment or any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;**

**(35) “Model 1 seller”, a seller registered under the agreement that has selected a certified service provider as its agent to perform all the seller’s sales and use tax functions, other than the seller’s obligation to remit tax on its own purchases;**

**(36) “Model 2 seller”, a seller that has selected a certified automated system (CAS) to perform part of its sales and use tax functions, but retains responsibility for remitting the tax;**

**(37) “Model 3 seller”, a seller registered under the agreement that has sales in at least five member states, has total annual sales revenue of at least five hundred million dollars, has a proprietary system that calculates the amount of tax due each jurisdiction, and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subdivision, a seller shall include an affiliated group of sellers using the same proprietary system;**

**(38) “Motor vehicle leasing company” [shall be], a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;**

**[6.] (39) “Other direct mail”, any direct mail that is not advertising and promotional direct mail regardless of whether advertising and promotional direct mail is included in the same mailing. The term “other direct mail” shall include, but not be limited to:**

**(a) Transactional direct mail that contains personal information specific to the one addressee including, but not limited to, invoices, bills, statements of account, and payroll advices;**

**(b) Any legally required mailings including, but not limited to, privacy notices, tax reports, and stockholder reports; and**

**(c) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents including, but not limited to, newsletters and informational pieces.**

**The term “other direct mail” shall not include the development of billing information or the provision or any data processing service that is more than incidental;**

**(40) “Over-the-counter-drug”, a drug, excluding grooming and hygiene products, that contains a label that identifies the product as a drug as required by 21 C.F.R. Section 201.66 and includes:**

**(a) A drug facts panel; or**

**(b) A statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation;**

**(41) “Person”** [includes], any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

**[7.] (42) “Place of primary use”, the street address representative of where the customer’s use of the telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer. In Streamlined Sales and Use Tax Agreement, Page 29, January 13, 2006, the case of mobile telecommunications services, place of primary use must be within the licensed service area of the home service provider;**

**(43) “Post-paid calling service”, the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunications service;**

**(44) “Prepaid calling service”, the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;**

**(45) “Prepaid wireless calling service”, a telecommunications service that provides the right to utilize mobile wireless services as well as other non-telecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount;**

**(46) “Prepared food”, food sold in a heated state or heated by the seller; two or more food ingredients mixed or combined by the seller for sale as a single item; or food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate shall not include a container or packaging used to transport the food. “Prepared food” shall not include food that is only cut, repackaged, or pasteurized by the seller and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of the Food Code so as to prevent food borne illnesses;**

**(47) “Prescription”, an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of the state;**

**(48) “Prewritten computer software”, computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten**

portions thereof shall not cause the combination to be other than prewritten computer software. Prewritten computer software shall include software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software;

(49) "Private communication service", a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels;

(50) "Product-based exemption", an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product;

(51) "Product which is intended to be sold ultimately for final use or consumption", tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent to these taxes, in this state or any other state;

(52) "Prosthetic device", a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. The term "prosthetic device" shall not include corrective eyeglasses or contact lenses and shall be limited to the classification of devices eligible for MO HealthNet and Medicare reimbursement;

(53) "Purchase price", applies to the measure subject to use tax and has the same meaning as sales price;

(54) "Purchaser" [means], a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

[(8)] (55) "Receive" or "receipt", taking possession of tangible personal property; making first use of services; or taking possession or making first use of digital goods, whichever comes first. The terms "receive" and "receipt" shall not include possession by a shipping company on behalf of the purchaser;

(56) "Research or experimentation activities" [are], the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

[(9) "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the

sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

(10)] **(57) “Sale at retail”** [means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property], **any sale, lease, or rental for any purpose other than for resale, sublease, or subrent. Purchases of tangible personal property made by duly licensed physicians, dentists, optometrists, and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale.** Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term “sale at retail” shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

**(58) “Sales price”, applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:**

**(a) The seller’s cost of the property sold;**

**(b) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to**

**the seller, all taxes imposed on the seller, and any other expense of the seller;**

**(c) Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;**

**(d) Delivery charges;**

**(e) Installation charges; or**

**(f) Credit for any trade-in, as determined by state law;**

[(11)] **(59) “Seller” means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed pursuant to section 144.020;**

[(12)] **(60) “Service address”, the location of the telecommunications equipment to which a customer’s call is charged and from which the call originates or terminates, regardless of where the call is billed or paid. If the location the telecommunications equipment to which a customer’s call is charged and from which the call originates or terminates is not known, the service address shall be the location of the customer’s place of primary use;**

**(61) “Tangible personal property”, personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. “Tangible personal property” shall include electricity, water, gas, steam, and prewritten computer software;**

**(62) The noun “tax” means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;**

[(13)] **(63) “Telecommunications service”, [for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer’s bill or on records of the seller maintained in the ordinary course of business:**

**(a) Access to the Internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;**

**(b) Answering services and one-way paging services;**

**(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or**

**(d) Cable or satellite television or music services; and**

**(14) “Product which is intended to be sold ultimately for final use or consumption” means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.] the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. The term “telecommunications service” shall include such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such**



service is referred to as voice over Internet protocol services or is classified by the Federal Communications Commission as enhanced or value added. "Telecommunications service" shall include air-to-ground radiotelephone service, mobile telecommunications service, post-paid calling service, prepaid calling service, prepaid wireless calling service, and private communication service. "Telecommunications service" shall not include:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including but not limited to directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;

(h) Ancillary services; or

(i) Digital products delivered electronically, including, but not limited to, software, music, video, reading materials, or ring tones;

(64) "Transportation equipment", any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

(b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one pounds or greater, trailers, semi-trailers, or passenger buses that are:

a. Registered through the International Registration Plan; and

b. Operated under authority of a carrier authorized and certificated by the United States Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

c. Aircraft that are operated by air carriers authorized and certificated by the United States Department of Transportation or another federal or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce;

(c) Containers designed for use on and component parts attached or secured on the items set forth in subparagraphs a. to c. of paragraph (b) of this subdivision;

(65) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term “manufactured homes” shall have the same meaning given it in section 700.010, RSMo.

3. Sections 144.010 to 144.525 may be known and quoted as the “Sales Tax Law”.

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food shall be at the rate of one percent. The revenue derived from the one percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

2. For the purposes of this section, the term “food” shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by or through vending machines. For the purpose of this section, except for vending machine sales, the term “food” shall not include food or drink sold by any establishment where the gross receipts derived from the sale of food prepared by such establishment for immediate consumption on or off the premises of the establishment constitutes more than eighty percent of the total gross receipts of that establishment, regardless of whether such prepared food is consumed on the premises of that establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant, delicatessen, eating house, or café.”; and

Further amend said bill, Section 144.030, Pages 13-14, Lines 103-117, by deleting all of said lines and inserting in lieu thereof the following:

“(18) All sales of [insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities] **drugs, durable medical equipment, prosthetic devices, and mobility enhancing equipment;**”; and

Further amend said bill, Section 144.030, Page 18, Line 271, by inserting after all of said section the following:

“144.049. 1. For purposes of this section, the following terms mean:

(1) “Clothing”, [any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the

exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and] **all human wearing apparel suitable for general use.**

**“Clothing” shall not include:**

**(a) Belt buckles sold separately;**

**(b) Costume masks sold separately;**

**(c) Patches and emblems sold separately;**

**(d) Sewing equipment and supplies, including but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and**

**(e) Sewing materials that become part of “clothing” including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers;**

(2) [“Personal computers”, a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitalizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3)] “School supplies”, [any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less] **items commonly used by a student in a course of study which shall be limited to: binders; book bags; calculators; cellophane tape; blackboard chalk; compasses; composition books; crayons; erasers; expandable, pocket, plastic, and manila folders; glue; paste; paste sticks; highlighters; index cards; index card boxes; legal pads; lunch boxes; markers; notebooks; paper; loose leaf ruled notebook paper; copy paper; graph paper; tracing paper; manila paper; colored paper; poster board; construction paper; pencil boxes and other school supply boxes; pencil sharpeners; pencils; pens; prewritten computer software; protractors; scissors; writing tablets; school art supplies; school instructional materials; and school computer supplies;**

**(4) “School art supplies”, items commonly used by a student in a course of study for artwork and shall only include:**

**(a) Clay and glazes;**

**(b) Paints, acrylic, tempera, and oil;**

**(c ) Paintbrushes for artwork;**

**(d) Sketch and drawing pads;**

**(e) Watercolors;**

**(5) “School instructional materials”, written materials commonly used by a student in a course of study as a reference and to learn the subject being taught which shall only include:**

**(a) Reference books;**

**(b) Reference maps and globes;**

**(c) Textbooks; and**

**(d) Workbooks;**

**(6) “School computer supplies”, items commonly used by a student in a course of study in which a computer is used, which shall be limited to:**

**(a) Computer storage media, diskettes, compact disks;**

**(b) Handheld electronic schedulers, except devices that are cellular phones;**

**(c) Personal digital assistants, except devices that are cellular phones; and**

**(d) Computer printers and printer supplies for computers, printer paper, and printer ink.**

2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of three hundred fifty dollars or less, and all retail sales of [personal] computers [or computer peripheral devices] not to exceed three thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

3. [If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision’s local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision’s local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4.] This section shall not apply to any sales which take place within the Missouri state fairgrounds.

[5.] **4.** This section applies to sales of items bought for personal use only.

[6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7. This section may not apply to any retailer when less than two percent of the retailer’s merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]

144.100. 1. Every person making any taxable sales of property or service, except transactions provided for in sections 144.070 and 144.440, individually or by duly authorized officer or agent, shall make and file a written return with the director of revenue in such manner as he may prescribe.

2. The returns shall be on blanks designed and furnished by the director of the department of revenue and shall be filed at the times provided in sections 144.080 and 144.090. The returns shall show the amount

of gross receipts from sales of taxable property and services by the person and the amount of tax due thereon by that person during and for the period covered by the return. **The director shall only require a single tax return for each taxing period and such return shall include only the taxing jurisdictions in which the seller makes sales within the state.** With each return, the person shall remit to the director of revenue the full amount of the tax due.

3. In case of charge and time sales the gross receipts thereof shall be included as sales in the returns as and when payments are received by the person, without any deduction therefrom whatsoever.

4. If an error or omission is discovered in a return or a change be necessary to show the true facts, the error may be corrected, the omission supplied, or the change made in the return next filed with the director for the filing period immediately following the filing period in which the error was made or the omission occurred, as prescribed by law, except that no refund under this chapter shall be allowed for any amount of tax paid by a seller which is based upon charges incident to credit card discounts. Any other omission or error must be corrected by filing an amended return for the erroneously reported period if the amount of tax is less than that originally reported, or an additional return if the amount of tax is greater than that originally reported. An additional return shall be deemed filed on the date the envelope in which it is mailed is postmarked or the date it is received by the director, whichever is earlier. Any payment of tax, interest, penalty or additions to tax shall be deemed filed on the date the envelope containing the payment is postmarked or the date the payment is received by the director, whichever is earlier. If a refund or credit results from the filing of an amended return, no refund or credit shall be allowed unless an application for refund or credit is properly completed and submitted to the director pursuant to section 144.190.

5. The amount of gross receipts from sales and the amount of tax due returned by the person, as well as all matters contained in the return, is subject to review and revision in the manner herein provided for the correction of the returns.

**6. The director of revenue may require any seller to file and remit sales tax electronically through a simplified electronic return.**

**144.105. 1. The state shall review software submitted to the streamlined sales and use tax governing board for certification as a certified automated system (CAS) under Section 501 of the streamlined sales and use tax agreement. Such review shall include a review to determine that the program adequately classifies the state's product-based exemptions. Upon completion of the review, the state shall certify to the governing board its acceptance of the classifications made by the system. The state shall relieve a certified service provider (CSP) or model 2 seller from liability to this state and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2 seller's reliance on the certification provided by the state.**

**2. The streamlined sales and use tax governing board and this state shall not be responsible for classification of an item or transaction with the product-based exemptions. The relief from liability provided in this section shall not be available for a CSP or model 2 seller that has incorrectly classified an item or transaction into a product-based exemption certified by this state. This subsection shall apply to the individual listing of items or transactions within a product definition approved by the governing board or the state.**

**3. If the state determines that an item or transaction is incorrectly classified as to its taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The CSP or model 2 seller shall have ten days to revise the classification after receipt of notice from the state of the determination.**

**Upon expiration of the ten days, such CSP or model 2 seller shall be liable for failure to collect the correct amount of sales or use taxes due and owing to the state.**

144.526. 1. This section shall be known and may be cited as the “Show Me Green Sales Tax Holiday”.

2. For purposes of this section, the following terms mean:

(1) “Appliance”, clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) “Energy star certified”, any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3. In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any energy star certified new appliance, up to one thousand five hundred dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

[4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer’s merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.]

144.625. To secure the payment of the tax, interest and penalties, which may become due from a vendor as provided in sections 144.600 to 144.745, the director of revenue may, where necessary to secure the payment of the tax, interest, and penalties require [all vendors] **a vendor** to file a bond or a letter of credit in an amount to be determined by the director, under the same requirements as provided in section 144.087.

144.655. 1. Every vendor, on or before the last day of the month following each calendar quarterly period of three months, shall file with the director of revenue a return of all taxes collected for the preceding quarter in the form prescribed by the director of revenue, showing the total sales price of the tangible personal property sold by the vendor, the storage, use or consumption of which is subject to the tax levied by this law, and other information the director of revenue deems necessary. The return shall be accompanied by a remittance of the amount of the tax required to be collected by the vendor during the period covered by the return. Returns shall be signed by the vendor or the vendor’s authorized agent. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of vendors, but shall not require any vendor to file and pay more frequently than required in this section.

2. Where the aggregate amount of tax required to be collected by a vendor is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the vendor shall pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against the liability shown on the vendor’s quarterly return required by this section.

3. Where the aggregate amount of tax required to be collected by a vendor is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the vendor to file a return for a

calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. Except as provided in subsection 5 of this section, every person purchasing tangible personal property, the storage, use or consumption of which is subject to the tax levied by sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance with the provisions of section 144.650, shall file with the director of revenue a return for the preceding reporting period in the form and manner that the director of revenue prescribes, showing the total sales price of the tangible property purchased during the preceding reporting period and any other information that the director of revenue deems necessary for the proper administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person. Returns shall be signed by the person liable for the tax or such person's duly authorized agent. For purposes of this subsection, the reporting period shall be determined by the director of revenue and may be a calendar quarter or a calendar year. Annual returns and payments required by the director pursuant to this subsection shall be due on or before April fifteenth of the year for the preceding calendar year and quarterly returns and payments shall be due on or before the last day of the month following each calendar period of three months. Upon the taxpayer's request, the director may allow the filing of such returns and payments on a monthly basis. If a taxpayer elects to file a monthly return and payment, such return and payment shall be due on or before the twentieth day of the succeeding month.

5. [Any person purchasing tangible personal property subject to the taxes imposed by sections 144.600 to 144.748 shall not be required to file a use tax return with the director of revenue if such purchases on which such taxes were not paid do not exceed in the aggregate two thousand dollars in any calendar year.

6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the tax imposed pursuant to sections 144.600 to 144.748 on the total gross receipts of all sales of tangible personal property used, stored or consumed in this state and to remit all taxes collected to the director of revenue in accordance with the provisions of this section nor shall it relieve a purchaser from paying such taxes to a vendor registered in accordance with the provisions of section 144.650.] **Any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file a return for the calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year. In the event that any out-of-state seller which is not legally required to register for use tax in this state but chooses to collect and remit use tax under sections 144.600 to 144.761 has accumulated state and local use tax funds in an amount equal to one thousand dollars or more, such vendor shall file a return and remit the amount due for the month in which the accumulated state and local use tax funds equal or exceed one thousand dollars.**

**6. The director of revenue may require any seller to file and remit use tax electronically.”; and**

Further amend said bill, Section 144.817, Page 19, Line 18, by inserting after all of said section the following:

**“144.1025. 1. The director shall participate in an online registration system that will allow sellers to register in this state and other member states.**

**2. By registering, the seller agrees to collect and remit sales and use taxes for all taxable sales into this state as well as the other member states, including member states joining after the seller's registration. Withdrawal or revocation of this state from the agreement shall not relieve a seller of**

its responsibility to remit taxes previously or subsequently collected on behalf of this state.

3. If the seller has a requirement to register prior to registering under the agreement, such seller shall obtain a retail sales license under section 144.083 and register under section 144.650.

4. Registration with the central registration system and the collection of sales and use taxes in this state shall not be used as a factor in determining whether the seller has nexus with this state for any tax at any time.

144.1028. 1. The director shall provide and maintain a database that describes boundary changes for all taxing jurisdictions and the effective dates of such changes for sales and use tax purposes.

2. The director shall provide and maintain a database of all sales and use tax rates for all taxing jurisdictions. For the identification of counties and cities, codes corresponding to the rates shall be provided according to Federal Information Processing Standards (FIPS) as developed by the National Institute of Standards and Technology. For the identification of all other jurisdictions, codes corresponding to the rates shall be in a format determined by the director.

3. The director shall provide and maintain a database that assigns each five- and nine-digit zip code to the proper rates and taxing jurisdictions. The lowest combined tax rate imposed in the zip code area shall apply if the area includes more than one tax rate in any level of taxing jurisdiction. If a nine-digit zip code designation is not available for a street address, or if a seller or a certified service provider (CSP) is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller has attempted to determine the nine-digit zip code designation by utilizing software approved by the secretary that makes this designation from the street address and the five-digit zip code applicable to a purchase.

4. The director may provide address-based boundary database records for assigning taxing jurisdictions and associated rates which shall be in addition to the requirements of subsection 3 of this section. The database records shall be in the same approved format as the database records required under subsection 3 of this section and shall meet the requirements developed pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If the director develops address-based assignment database records pursuant to the agreement, sellers that register under the agreement shall be required to use such database. A seller or CSP shall use such database records in place of the five- and nine-digit zip code database records provided for in subsection 3 of this section. If a seller or CSP is unable to determine the applicable rate and jurisdiction using an address-based database record after exercising due diligence, the seller or CSP may apply the nine-digit zip code designation applicable to a purchase. If a nine-digit zip code designation is not available for a street address or if a seller or CSP is unable to determine the nine-digit zip code designation applicable to a purchase after exercising due diligence to determine the designation, the seller or CSP may apply the rate for the five-digit zip code area. For the purposes of this section, there shall be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller or CSP has attempted to determine the tax rate and jurisdiction by utilizing software approved by the director makes the assignment from the address and zip code information applicable to the purchase. If the director has met the requirements of subsection 3 of this section, the director may also elect to certify vendor provided address-based databases for assigning tax rates and jurisdictions. The databases shall be



in the same approved format as the database records pursuant to this section and meet the requirements developed pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C.A. Section 119(a). If the director certifies a vendor address-based database, a seller or CSP may use such database in place of the database provided for in this subsection.

5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section shall be in downloadable format as determined by the director. The databases may be directly provided by the director or provided by a vendor as designated by the director. A database provided by a vendor as designated by the director shall be applicable and subject to the provisions of section 144.1031 and this section. The databases shall be provided at no cost to the user of the database. The provisions of subsections 3 and 4 of this section shall not apply when the purchased product is received by the purchaser at the business location of the seller.

6. No seller or CSP shall be liable for reliance upon erroneous data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments.

**144.1031. 1.** The director shall complete a taxability matrix. The state's entries in the matrix shall be provided and maintained by the director in a database that is in a downloadable format.

2. The director shall provide reasonable notice of changes in the taxability of the products or services listed in the taxability matrix.

3. A seller or certified service provider (CSP) shall be relieved from liability to this state or any local taxing jurisdiction for having charged and collected the incorrect amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon erroneous data provided by the director in the taxability matrix.

**144.1040. 1.** Notwithstanding provisions of section 144.1037 to the contrary, the following provisions shall apply to sales of advertising and promotional direct mail:

(1) A purchaser of advertising and promotional direct mail may provide the seller with either:

(a) A direct pay permit;

(b) An agreement certificate of exemption claiming direct mail, or other written statement approved, authorized, or accepted by the state; or

(c) Information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients;

(2) If the purchaser provides the permit, certificate, or statement referred to in paragraph (a) or (b) of subdivision (1) of this subsection, the seller, in the absence of bad faith, shall be relieved of all obligations to collect, pay, or remit any tax on any transaction involving advertising and promotional direct mail to which such permit, certificate, or statement applies. The purchaser shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered to the recipients and shall report and pay any applicable tax due;

(3) If the purchaser provides the seller information showing the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients, the seller shall source the sale to the jurisdictions to which the advertising and promotional direct mail is to be delivered and shall collect and remit the applicable tax. In the absence of bad faith, a seller shall be relieved of any further obligation to collect any additional tax on the sale of advertising and promotional direct mail

where the seller has sourced the sale according to the delivery information provided by the purchaser;

(4) If a purchaser does not provide the seller with any of the items listed in paragraphs (a), (b), or (c) of subdivision (1) of this subsection, the sale shall be sourced according to subdivision (5) of subsection 1 of section 144.1037.

2. Provisions of section 144.1037 to the contrary notwithstanding, the following provisions shall apply to sales of other direct mail:

(1) Sales of other direct mail shall be sourced in accordance with subdivision (3) of subsection 1 of section 144.1037;

(2) A purchaser of other direct mail may provide the seller with either:

(a) A direct pay permit; or

(b) An agreement certificate of exemption claiming direct mail or other written statement approved, authorized, or accepted by the state;

(3) If the purchaser provides the permit, certificate, or statement referred to in paragraph (a) or (b) of subdivision (2) of subsection 2 of this section, the seller, in the absence of bad faith, shall be relieved of all obligations to collect, pay, or remit any tax on any transaction involving other direct mail to which the permit, certificate, or statement apply. Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the jurisdictions to which the other direct mail is to be delivered to the recipients and the purchaser shall report and pay applicable tax due.

3. (1) The provisions of this section shall apply to any transaction characterized under the laws of this state as the sale of services only if such service is an integral part of the production and distribution of printed material that meets the definition of direct mail. This section shall not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental regardless of whether advertising and promotional direct mail is included in the same mailing.

(2) If a transaction is a bundled transaction that includes advertising and promotion direct mail, this section shall apply, only if the primary purpose of the transaction is the sale of products or services that meet the definition of advertising and promotional direct mail.

(3) Nothing in this section shall be construed to limit any purchaser's:

(a) Obligation for sales or use tax to any state to which the direct mail is delivered;

(b) Right under local, state, federal, or constitutional law, to a credit for sales or use taxes legally due and paid to other jurisdictions; or

(c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

(4) This section shall apply for purposes of uniformly sourcing direct mail transactions and shall not impose requirements on states regarding the taxation of products that meet the definition of direct mail or to the application of sales for resale or other exemptions.

4. Notwithstanding subsections 1, 2, and 3 of this section, all direct mail delivered or distributed from a location within the state and delivered or distributed to a location within the state shall be sourced as follows:

(1) If the purchaser provides the seller with a direct pay permit or an agreement certificate of exemption claiming direct mail, or other written statement approved, authorized, or accepted by the director, the seller, in the absence of bad faith, shall be relieved of all obligations to collect, pay, or remit the applicable tax on any transaction involving direct mail. The purchaser shall report and pay any applicable tax due. An agreement certificate of exemption claiming direct mail shall remain in effect for all future sales of direct mail by the seller to the purchaser until it is revoked in writing;

(2) Except as provided in subdivision (1) of subsection 3 of this section, the seller shall collect the tax according subdivision (5) of subsection 1 of section 144.1037. To the extent the seller knows that a portion of the sale of direct mail will be delivered or distributed to a location in another state, the seller shall collect the tax on that portion according to subsections 1, 2, and 3 of this section;

(3) Notwithstanding subdivision (2) of subsection 3 of this section, a seller may elect to use the provisions of subsections 1, 2, and 3 of this section to source all sales of advertising and promotional direct mail;

(4) Nothing in this subsection shall be construed to limit a purchaser's obligation for sales or use tax to any state to which the direct mail is delivered, except that a purchaser whose direct mail is sourced under the provisions of subsection 3 of this section shall owe no additional sales or use tax to that state based on where the purchaser uses or delivers the direct mail in the state.

**144.1043. 1.** The sale of telecommunication service sold on a call-by-call basis shall be sourced to each level of taxing jurisdiction where the call originates and terminates in that jurisdiction or each level of taxing jurisdiction where the call either originates or terminates and in which the service address is also located.

**2.** A sale of telecommunications services sold on a basis other than a call-by-call basis shall be sourced to the customer's place of primary use.

**3.** Provisions of subsections 1 and 2 of this section to the contrary notwithstanding, the sale of the following telecommunication services shall be sourced to each level of taxing jurisdiction as follows:

(1) A sale of mobile telecommunications services other than air-to-ground radiotelephone service and prepaid calling service shall be sourced to the customer's place of primary use as required by the Mobile Telecommunications Sourcing Act;

(2) A sale of post-paid calling service shall be sourced to the origination point of the telecommunications signal as first identified by either the seller's telecommunications system or information received by the seller from its service provider, where the system used to transport such signals is not that of the seller;

(3) A sale of prepaid calling service or a sale of a prepaid wireless calling service shall be sourced in accordance with section 144.1037. Provided however, in the case of a sale of prepaid wireless calling service, the rule provided under subdivision (5) of section 1 of section 144.1037 shall include as an option the location associated with the mobile telephone number;

(4) A sale of a private communication service shall be sourced as follows:

(a) Service for a separate charge related to a customer channel termination point shall be sourced to each level of jurisdiction in which such customer channel termination point is located;

(b) Service where all customer termination points are located entirely within one jurisdiction or

levels of jurisdiction shall be sourced in such jurisdiction in which the customer channel termination points are located;

(c) Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segment of channel are separately charged shall be sourced fifty percent in each level of jurisdiction in which the customer channel termination points are located;

(d) Service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and which segments are not separately billed shall be sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points.

4. The sale of Internet access service shall be sourced to the customer's place of primary use.

5. The sale of an ancillary service shall be sourced to the customer's place of primary use.

**144.1046. 1.** In addition to all other provisions of law provided for exemptions, when an exemption is claimed by a purchaser:

(1) The seller shall obtain identifying information of the purchaser and the reason for claiming a tax exemption at the time of the purchase;

(2) A purchaser shall not be required to provide a signature to claim an exemption from tax unless a paper exemption certificate is used;

(3) The seller shall use the standard form for claiming an exemption electronically prescribed by the director of the department of revenue and acceptable to the streamlined sales and use tax governing board;

(4) The seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred;

(5) The seller shall maintain proper records of exempt transactions and provide such records to the director of the department of revenue or the director's designee upon request;

(6) In the case of drop shipment sales, a third party vendor, such as a drop shipper, may claim a resale exemption based on an exemption certificate provided by its customer or any other acceptable information available to the third party vendor evidencing qualification for a resale exemption, regardless of whether the customer is registered to collect and remit sales and use tax in the state where the sale is sourced.

2. Sellers that comply with the requirements of this section shall be relieved from collecting and remitting tax otherwise applicable if it is determined that the purchaser improperly claimed an exemption and such purchaser shall be liable for the nonpayment of tax. Relief from liability provided under this section shall not apply to a seller who fraudulently fails to collect tax; to a seller who solicits purchasers to participate in the unlawful claim of an exemption; to a seller who accepts an exemption certificate when the purchaser claims an entity-based exemption when the subject of the transaction sought to be covered by the exemption certificate is actually received by the purchaser at a location operated by the seller and the state in which that location resides provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available in such state; or to a seller who accepts an exemption certificate claiming multiple points of use for tangible personal property other than computer software for which an exemption claiming multiple points of

use.

(1) A seller shall be relieved from collecting and remitting tax otherwise applicable if the seller obtains a fully completed exemption certificate or captures the relevant data elements required under the agreement within ninety days subsequent to the date of sale.

(2) If a seller fails to obtain an exemption certificate or all relevant data elements as provided in this section, the seller may, within one hundred twenty days subsequent to a request for substantiation by the director of the department of revenue or the director's designee, either prove that the transaction was not subject to tax by other means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

3. Nothing in this section shall affect the ability of the director of the department of revenue or the director's designee to require purchasers to update exemption certificate information or to reapply with the state to claim certain exemptions.

4. Notwithstanding provisions of subsection 2 of this section to the contrary, the director shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. The director shall not request from the seller renewal of blanket certificates or updates of exemption certificate information or data elements when there is a recurring business relationship between the buyer and seller. For purposes of this section, a recurring business relationship exists when a period of no more than twelve months elapses between sales transactions.

**144.1049. 1.** Retailers shall make returns to the director at the times prescribed by this section upon forms prescribed and furnished by the director stating:

(1) The name and address of the retailer;

(2) The total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made;

(3) The total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made;

(4) Deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales;

(5) Receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made;

(6) Receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made;

(7) Gross receipts during the period for which the return is made from sales of tangible personal property and taxable services rendered in the course of such business upon the basis of which the tax is imposed.

The return shall include such other pertinent information as the director may require. In making

such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by a retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under subdivision (4) of this subsection in case the retailer has included the receipts from such sale in a return made by such retailer and paid taxes on such sale. The retailer shall, at the time of making such return, pay to the director the amount of tax owed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this section for any period not to exceed sixty days under such rules and regulations as the director of revenue may prescribe. The director of the department of revenue shall promulgate rules establishing a filing schedule for returns made by retailers based upon the liabilities of such retailers. Determinations of amounts of liability in a calendar year for purposes of determining filing requirements shall be made by the director upon the basis of amounts of liability by those retailers during the preceding calendar year or by estimates in cases of retailers having no previous sales tax histories. The director may modify the filing schedule for any retailer when it is apparent that the original determination was inaccurate.

2. All model 1, model 2, and model 3 sellers shall file returns electronically. Any model 1, model 2, or model 3 seller shall submit its sales and use tax returns in a simplified format approved by the director at such times as may be prescribed by the director.

144.1052. 1. The director shall promulgate rules and regulations for remittance of returns. Such rules shall:

- (1) Allow for electronic payments by all remitters by both ACH credit and ACH debit;
- (2) Provide an alternative method for making “same day” payments if an electronic funds transfer fails;
- (3) Provide that if a due date falls on a legal banking holiday in the state, the taxes shall be due on the next succeeding business day; and
- (4) Require that any data that accompanies a remittance be formatted using uniform tax type and payment type codes approved by the streamlines sales and use tax governing board.

2. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2012, shall be invalid and void.

144.1055. 1. A seller shall be allowed a deduction from taxable sales for bad debts attributable to taxable sales of such seller that have become uncollectable. Any deduction taken that is attributed to bad debts shall not include interest.

2. The amount of the bad debt deduction shall be calculated pursuant to 26 U.S.C. Section 166(b), except that such amount shall be adjusted to exclude financing charges or interest, sales, or use taxes

charged on the purchase price, uncollectable amounts on property that remain in the possession of the seller until the full purchase price is paid, and expenses incurred in attempting to collect any debt or repossessed property.

3. Bad debts may be deducted on the return for the period during which the bad debt is written off as uncollectable in the seller's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subsection, a seller who is not required to file federal income tax returns may deduct a bad debt on a return filed for the period in which the bad debt is written off as uncollectable in the seller's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the seller was required to file a federal income tax return.

4. If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on the amount so collected shall be paid and reported on the return filed for the period in which the collection is made.

5. When the amount of bad debt exceeds the amount of taxable sales for the period during which the bad debt is written off, a refund claim may be filed by the seller within the applicable statute of limitations for refund claim; however, the statute of limitations shall be measured from the due date of the return on which the bad debt could first be claimed.

6. Where filing responsibilities have been assumed by a certified service provider, such service provider may claim, on behalf of the seller, any bad debt allowance provided by this section. The certified service provider shall credit or refund the full amount of any bad debt allowance or refund received to the seller.

7. For the purposes of reporting a payment received on a previously claimed bad debt, any payments made on a debt or account shall first be applied proportionally to the taxable price of the property or service and the sales tax thereon, and secondly to interest, service charges, and any other charges.

8. In situations where the books and records of the seller, or certified service provider on behalf of the seller, claiming the bad debt allowance support an allocation of the bad debts among the member states, such an allocation shall be permitted.

144.1058. 1. When the seller is computing the amount of tax owed by the purchaser and remitted to the state:

(1) Tax computation shall be carried to the third decimal place; and

(2) The tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

2. Sellers may elect to compute the tax due on a transaction on an item or an invoice basis. The rounding rule may be applied to the aggregated state and local taxes.

144.1061. The effective date of state or local sales or use tax rate changes for services covering a period starting before and ending after the statutory effective date shall be as follows:

(1) For a rate increase, the new rate shall apply to the first billing period starting on or after the effective date; and

(2) For a rate decrease, the new rate shall apply to bills rendered on or after the effective date.

**144.1064. 1. In the case of a bundled transaction that includes any of the following: telecommunication service, ancillary service, internet access, or audio or video programming service:**

**(1) If the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products may be subject to tax unless the provider can identify by reasonable and verifiable standards such portion from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;**

**(2) If the price is attributable to products that are subject to tax at different tax rates, the total price shall be treated as attributable to the products subject to tax at the highest tax rate unless the provider can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to tax at the lower rate from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes;**

**(3) The provisions of this section shall apply unless otherwise provided by federal law.**

**2. In the case of a transaction that includes an optional computer software maintenance contract for prewritten computer software and the state otherwise has not specifically imposed tax on the retail sale of computer software maintenance contracts, the following provisions apply:**

**(1) If an optional computer software maintenance contract only obligates the vendor to provide upgrades and updates, it shall be characterized as a sale of prewritten computer software;**

**(2) If an optional computer software maintenance contract only obligates the vendor to provide support services, it shall be characterized as a sale of services and not a sale of tangible personal property;**

**(3) If an optional computer software maintenance contract is a bundled transaction in which both taxable and nontaxable or exempt products that are not separately itemized on the invoice or similar billing document, the contract shall be characterized as all taxable.**

**144.1070. 1. Amnesty shall be granted for uncollected or unpaid sales or use tax to a seller who registers to pay or to collect and remit applicable sales or use tax on sales made to purchasers in this state in accordance with the terms of the agreement, provided that the seller was not so registered in this state in the twelve-month period preceding the effective date of this state's participation in the agreement.**

**(1) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax together with penalty or interest for sales made during the period the seller was not registered in this state, provided registration occurs within twelve months of the effective date of this state's participation in the agreement.**

**(2) Amnesty shall be provided if this state joins the agreement after the seller has registered.**

**2. Amnesty shall not be available to a seller with respect to any matter or matters for which the seller received notice of the commencement of an audit and which audit is not yet finally resolved including any related administrative and judicial processes. The amnesty shall not be available for sales or use taxes already paid or remitted to this state or to taxes collected by the seller.**

**3. Amnesty provided under this section shall be fully effective, absent the seller's fraud or intentional misrepresentation of a material fact, as long as the seller continues registration and**



payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-six months. The statute of limitations applicable to asserting a tax liability during this thirty-six month period shall be tolled.

4. Amnesty provided under this section shall be applicable only to sales or use taxes due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its capacity as a purchaser.

5. The provisions of this section shall become effective as of the date that the state joins and becomes a member state of the agreement.

144.1073. 1. If the director of the department of revenue enters into the streamlined sales and use tax agreement under section 32.070, the director shall provide a monetary allowance from the taxes collected to each of the following:

(1) A certified service provider, in accordance with the agreement and under the terms of the contract signed with the provider, provided that such allowance shall not exceed two percent of the amount collected;

(2) Any vendor registered under the agreement that selects a certified automated system to perform part of its sales or use tax functions;

(3) Any vendor registered under the agreement that uses a proprietary system to calculate taxes due and has entered into a performance agreement with states that are members to the streamlined sales and use tax agreement.

2. The monetary allowance provided for vendors in subdivisions (2) or (3) of this section shall be in an amount equal to two percent of the taxes collected.

3. Any vendor receiving an allowance under this section shall not be entitled simultaneously to deduct the amount provided for in section 144.140.

144.1076. For the purposes of representing the state as a member of the agreement and, if necessary, amending the agreement, the state shall be represented by three delegates, one of whom shall be appointed by the governor, one shall be a member of the general assembly appointed by mutual agreement of the president pro tem of the senate and the speaker of the house of representatives, with the director of the department of revenue or the director's designee as the third delegate. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the agreement.

221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, RSMo, a proposal to authorize the commission to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional jail district of ..... (counties' names) impose a region-wide sales tax of ..... (insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No". If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second **calendar** quarter [immediately following the election approving the proposal] **after the director of revenue receives notification of adoption of the local sales tax**. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the commission. Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission shall notify the director of revenue of the action at least ninety days prior to the effective date

of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as provided in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire September 30, 2015.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors [nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance]. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of ..... (transportation development district's name) impose a transportation development district-wide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert transportation development purpose)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until

the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) [The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

[(7)] (4) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors [nor to public utilities]. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. [On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed

pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5.] All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

[6.] 4. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales

tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

**5. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and collect, in addition to the sales tax for the state of Missouri, the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.**

**6. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.**

238.410. 1. Any county transit authority established pursuant to section 238.400 may impose a sales tax of up to one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed under the provisions of this section shall be effective unless the governing body of the county, on behalf of the transit authority, submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the transit authority to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the . . . . . Transit Authority impose a countywide sales tax of . . . . . (insert amount) in order to provide revenues for the operation of transportation facilities operated by the transit authority?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective on the first day of the second calendar quarter following notification to the department of revenue of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the transit authority shall have no power to impose the sales tax authorized by this section unless and until another proposal to authorize the transit authority to impose the sales tax authorized by this section has been submitted and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by the transit authority from the tax authorized under the provisions of this

section shall be deposited in a special trust fund and shall be used solely by the transit authority for construction, purchase, lease, maintenance and operation of transportation facilities located within the county for so long as the tax shall remain in effect. Any funds in such special trust fund which are not needed for current expenditures may be invested by the transit authority in accordance with applicable laws relating to the investment of county funds.

4. No transit authority imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment is submitted to and approved by the voters of the county in the same manner as provided in subsection 1 of this section for approval of such tax. Whenever the governing body of any county in which a sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the registered voters of such county voting in the last gubernatorial election, calling for an election to repeal such sales tax, the governing body shall submit to the voters of such county a proposal to repeal the sales tax imposed under the provisions of this section. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the sales tax, then such sales tax is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the sales tax, then such sales tax shall remain in effect.

5. The sales tax imposed under the provisions of this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate approved pursuant to this section. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and the tax imposed by this section, plus any amounts imposed under other provisions of law.

6. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285, RSMo, shall apply to all taxable transactions.

7. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by this section. All discounts allowed the retailer under the provisions of the state sales tax law for the collection

of and for payment of taxes under chapter 144, RSMo, are hereby allowed and made applicable to any taxes collected under the provisions of this section. The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for a violation of those sections are hereby made applicable to violations of this section.

8. [For the purposes of a sales tax imposed pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer, except for tangible personal property sold which is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination and except for the sale of motor vehicles, trailers, boats and outboard motors, which is provided for in subsection 12 of this section. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which he works.

9.] All sales taxes collected by the director of revenue under this section on behalf of any transit authority, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in this section, shall be deposited in the state treasury in a special trust fund, which is hereby created, to be known as the "County Transit Authority Sales Tax Trust Fund". The moneys in the county transit authority sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each transit authority imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the transit authority which levied the tax.

[10.] 9. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any transit authority for erroneous payments and overpayments made, and may authorize the state treasurer to redeem dishonored checks and drafts deposited to the credit of such transit authorities. If any transit authority abolishes the tax, the transit authority shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such transit authority, the director of revenue shall authorize the state treasurer to remit the balance in the account to the transit authority and close the account of that transit authority. The director of revenue shall notify each transit authority of each instance of any amount refunded or any check redeemed from receipts due the transit authority. The director of revenue shall annually report on his management of the trust fund and administration of the sales taxes authorized by this section. He shall provide each transit authority imposing the tax authorized by this section with a detailed accounting of the source of all funds received by him for the transit authority.

[11.] 10. The director of revenue and any of his deputies, assistants and employees who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of this section shall enter a surety bond or bonds payable to any and all transit authorities in whose behalf such funds have been collected under this section in the amount of one hundred thousand



dollars; but the director of revenue may enter into a blanket bond or bonds covering himself and all such deputies, assistants and employees. The cost of the premium or premiums for the surety bond or bonds shall be paid by the director of revenue from the share of the collection retained by the director of revenue for the benefit of the state.

[12.] **11.** Sales taxes imposed pursuant to this section and use taxes on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a county where a sales tax is imposed under this section. The amounts so collected, less the one percent collection cost, shall be deposited in the county transit authority sales tax trust fund. The purchase or sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address of the applicant. As used in this subsection, the term “boat” shall only include motorboats and vessels as the terms “motorboat” and “vessel” are defined in section 306.010, RSMo.

[13.] **12.** In any county where the transit authority sales tax has been imposed, if any person is delinquent in the payment of the amount required to be paid by him under this section or in the event a determination has been made against him for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under this section, the director of revenue shall notify the transit authority to which delinquent taxes are due under this section by United States registered mail or certified mail at least ten days before turning the case over to the attorney general. The transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a judgment for the delinquent taxes and penalty due such transit authority. In the event any person fails or refuses to pay the amount of any sales tax due under this section, the director of revenue shall promptly notify the transit authority to which the tax would be due so that appropriate action may be taken by the transit authority.

[14.] **13.** Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by this section, the director of revenue shall permit the transit authority to join in any sale of property to pay the delinquent taxes and penalties due the state and to the transit authority under this section. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such transit authority under this section.

[15.] The transit authority created under the provisions of sections 238.400 to 238.412 shall notify any and all affected businesses of the change in tax rate caused by the imposition of the tax authorized by sections 238.400 to 238.412.

[16.] **14.** In the event that any transit authority in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants submits a proposal in any election to increase the sales tax under this section, and such proposal is approved by the voters, the county shall be reimbursed for the costs of submitting such proposal from the funds derived from the tax levied under this section.

**15. Except as provided in sections 238.400 to 238.412, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 238.410 to 238.412.**

644.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section and section 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section and section 644.033 shall be effective unless the governing body of the municipality or county submits to the voters of the municipality or county, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the municipality or county to impose a tax[, provided, that the tax authorized by this section shall not be imposed on the sales of food, as defined in section 144.014, RSMo, when imposed by any county with a charter form of government and with more than one million inhabitants].

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the municipality (county) of ..... impose a sales tax of ..... (insert amount) for the purpose of providing funding for ..... (insert either storm water control, or local parks, or storm water control and local parks) for the municipality (county)?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality or county shall not impose the sales tax authorized in this section and section 644.033 until the governing body of the municipality or county resubmits another proposal to authorize the governing body of the municipality or county to impose the sales tax authorized by this section and section 644.033 and such proposal is approved by a majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section and section 644.033 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section and section 644.033.

3. All revenue received by a municipality or county from the tax authorized under the provisions of this section and section 644.033 shall be deposited in a special trust fund and shall be used to provide funding for storm water control or for local parks, or both, within such municipality or county, provided that such revenue may be used for local parks outside such municipality or county if the municipality or county is engaged in a cooperative agreement pursuant to section 70.220, RSMo.

4. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal or county funds.”; and

Further amend said bill, Section 2, Page 19, Line 8, by inserting after all of said section the following:

“[67.1971. All entities remitting the sales tax authorized pursuant to section 67.1959 shall have their liability reduced by an amount equal to twenty-five percent of any taxes collected and remitted pursuant to sections 94.802 to 94.805, RSMo.]

[144.1000. Sections 144.1000 to 144.1015 shall be known as and referred to as the “Simplified Sales and Use Tax Administration Act”.]

[144.1003. As used in sections 144.1000 to 144.1015, the following terms shall mean:

- (1) "Agreement", the streamlined sales and use tax agreement;
- (2) "Certified automated system", software certified jointly by the states that are signatories to the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction;
- (3) "Certified service provider", an agent certified jointly by the states that are signatories to the agreement to perform all of the seller's sales tax functions;
- (4) "Person", an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation or any other legal entity;
- (5) "Sales tax", any sales tax levied pursuant to this chapter, section 32.085, RSMo, or any other sales tax authorized by statute and levied by this state or its political subdivisions;
- (6) "Seller", any person making sales, leases or rentals of personal property or services;
- (7) "State", any state of the United States and the District of Columbia;
- (8) "Use tax", the use tax levied pursuant to this chapter.]

[144.1006. For the purposes of reviewing and, if necessary, amending the agreement embodying the simplification recommendations contained in section 144.1015, the state may enter into multistate discussions. For purposes of such discussions, the state shall be represented by seven delegates, one of whom shall be appointed by the governor, two members appointed by the speaker of the house of representatives, one member appointed by the minority leader of the house of representatives, two members appointed by the president pro tempore of the senate and one member appointed by the minority leader of the senate. The delegates need not be members of the general assembly and at least one of the delegates appointed by the speaker of the house of representatives and one member appointed by the president pro tempore of the senate shall be from the private sector and represent the interests of Missouri businesses. The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year any amendment of state statutes required to be substantially in compliance with the agreement. Such delegates shall make a written report by the fifteenth day of January each year regarding the status of the multistate discussions and upon final adoption of the terms of the sales and use tax agreement by the multistate body.]

[144.1009. No provision of the agreement authorized by sections 144.1000 to 144.1015 in whole or in part invalidates or amends any provision of the law of this state. Implementation of any condition of this agreement in this state, whether adopted before, at, or after membership of this state in the agreement,

must be by action of the general assembly. Such report shall be delivered to the governor, the secretary of state, the president pro tempore of the senate and the speaker of the house of representatives and shall simultaneously be made publicly available by the secretary of state to any person requesting a copy.]

[144.1012. Unless five of the seven delegates agree, the delegates shall not enter into or vote for any streamlined sales and use tax agreement that:

- (1) Requires adoption of a definition of any term that would cause any item or transaction that is now excluded or exempted from sales or use tax to become subject to sales or use tax;
- (2) Requires the state of Missouri to fully exempt or fully apply sales taxes to the sale of food or any other item;
- (3) Restricts the ability of local governments under statutes in effect on August 28, 2002, to enact one or more local taxes on one or more items without application of the tax to all sales within the taxing jurisdiction, however, restriction of any such taxes allowed by statutes effective after August 28, 2002, may be supported;
- (4) Provides for adoption of any uniform rate structure that would result in a tax increase for any Missouri taxpayer;
- (5) Affects the sourcing of sales tax transactions; or
- (6) Prohibits limitations or thresholds on the application of sales and use tax rates or prohibits any current sales or use tax exemption in the state of Missouri, including exemptions that are based on the value of the transaction or item.]

[144.1015. In addition to the requirements of section 144.1012, the delegates should consider the following features when deciding whether or not to enter into any streamlined sales and use tax agreement:

- (1) The agreement should address the limitation of the number of state rates over time;
- (2) The agreement should establish uniform standards for administration of exempt sales and the form used for filing sales and use tax returns and remittances;
- (3) The agreement should require the state to provide a central, electronic registration system that allows a seller to register to collect and remit sales and use taxes for all signatory states;
- (4) The agreement should provide that registration with the central registration system and the collection of sales and use taxes in the signatory states will not be used as a factor in determining whether the seller has nexus with a state for any tax;
- (5) The agreement should provide for reduction of the burdens of complying

with local sales and use taxes through the following so long as they do not conflict with the provisions of section 144.1012:

- (a) Restricting variances between the state and local tax bases;
- (b) Requiring states to administer any sales and use taxes levied by local jurisdictions within the state so that sellers collecting and remitting these taxes will not have to register or file returns with, remit funds to, or be subject to independent audits from local taxing jurisdictions;
- (c) Restricting the frequency of changes in the local sales and use tax rates and setting effective dates for the application of local jurisdictional boundary changes to local sales and use taxes; and
- (d) Providing notice of changes in local sales and use tax rates and of changes in the boundaries of local taxing jurisdictions;
- (6) The agreement should outline any monetary allowances that are to be provided by the states to sellers or certified service providers. The agreement must allow for a joint public and private sector study of the compliance cost on sellers and certified service providers to collect sales and use taxes for state and local governments under various levels of complexity to be completed by July 1, 2003;
- (7) The agreement should require each state to certify compliance with the terms of the agreement prior to joining and to maintain compliance, under the laws of the member state, with all provisions of the agreement while a member, only if the agreement and any amendment thereto complies with the provisions of section 144.1012;
- (8) The agreement should require each state to adopt a uniform policy for certified service providers that protects the privacy of consumers and maintains the confidentiality of tax information; and
- (9) The agreement should provide for the appointment of an advisory council of private sector representatives and an advisory council of nonmember state representatives to consult with in the administration of the agreement.]; and

Further amend said bill, Section B, Page 19, Line 1, by inserting immediately after the words, “Section B.” the following:

“Section A of this act shall become effective on January 1, 2012.

Section C. “; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 981, Page 14, Section 144.030, Line 117, by deleting all of said line and inserting in lieu thereof the following: “nonprescription drugs [to individuals with disabilities] **as prescribed by a practitioner, or any medical equipment, supplies, or devices that are provided to a person on or by the order of a physician, or that are otherwise paid for by a third-**

**party health insurer, Medicare, or Medicaid;”; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 981, Section 1, Page 19, Lines 1-8, by deleting all of said section and inserting in lieu thereof the following:

**“Section 2. Notwithstanding any other provision of law, any tax imposed or collected by any municipality, any county, or any local taxing entity on or related to any transient accommodations, whether imposed as a hotel tax, occupancy tax or otherwise, shall apply solely to amounts actually received by the operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp, or other place in which rooms are furnished to the public. Under no circumstances shall a travel agent or intermediary be deemed an operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp, or other place in which rooms are furnished to the public unless such travel agent or intermediary actually operates such a facility. This section shall not apply if the purchaser of such rooms is an entity that is exempt from payment of the tax. This section is intended to clarify that taxes imposed as a hotel tax, occupancy tax, or otherwise shall apply solely to amounts received by operators, as enacted in the statutes authorizing those taxes.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 981, Section 1, Page 19, Line 2 by inserting prior to the phrase: **“sales tax law”** on said Line the phrase: **“and state”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 981, Section 144.030, Page 18, Line 271, by inserting after all of said section the following:

**“144.527. 1. In addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under sections 32.085 and 32.087, sections 144.010 to 144.525, sections 144.600 to 144.761, and section 238.235 all sales of farm products sold at a farmers’ market within one hundred miles of the vendor’s farm where the farm products were grown or produced by any vendor with annual sales of farm products of twenty thousand dollars or less.**

**2. For purposes of this section “farm products” shall mean any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese, and other dairy products, food products of “aquaculture”, as defined in subsection 1 of section 277.024, products from any tree, vine, or plant and other flowers, or any of the products listed in this subdivision that have been processed by the participating farmer, including, but not limited to, baked goods made with farm products.**

**3. For purposes of this section “farmers’ market” shall mean a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally**

**as a common marketplace for a group of farmers to sell farm products directly to consumers, and where the products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 981, Page 10, Section 144.018, Line 41, by inserting after all of said line the following:

“144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events, **except that no tax shall be levied and imposed on the amount paid for any amount paid to any yoga studio or other similar facility at which yoga is practiced or taught;**

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the Internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of “sale at retail” as defined in [subdivision (8) of] section 144.010 or

leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words “This ticket is subject to a sales tax.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to Senate Bill No. 981, Page 4, Line 10, by inserting after all of said line the following:

**“(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants.”; and**

Further amend said amendment, Page 4, Line 22, by inserting after all of said line the following:

**“94.832. 1. The governing body of any city of the third classification with more than four thousand seven hundred but fewer than four thousand eight hundred inhabitants and located in any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than five percent per occupied room per night, and shall be imposed solely for the purpose of funding tourism and infrastructure improvements. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.**

**3. All revenue generated by the tax shall be collected by the city collector of revenue, shall be**



deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the city and the repeal is approved by a majority of the qualified voters voting on the question.

6. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 981, Section A, Page 1, Line 3, by inserting after all of said section the following:

“67.1360. 1. The governing body of **the following cities and counties may impose a tax as provided in this section:**

(1) A city with a population of more than seven thousand and less than seven thousand five hundred;

(2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;

(3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants

in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two

thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three

thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants; [or]

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

**(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants.**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Bill No. 981, In the Title, Lines 2 to 4, by deleting all of said lines and inserting in lieu thereof the following:

“To repeal sections 86.252, 86.255, 86.256, 86.294, 94.510, 94.550, 94.577, 144.030, 144.817, 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof eighteen new sections relating to state and local expenditures, with an emergency clause for certain sections.”; and

Further amend said bill, Page 1, Section A, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:

“Section A. Sections 86.252, 86.255, 86.256, 86.294, 94.510, 94.550, 94.577, 144.030, 144.817, 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 86.252, 86.255, 86.256, 86.294, 86.295, 94.510, 94.550, 94.577, 144.030, 144.817, 169.270, 169.280, 169.301, 169.324, 169.328, 1, and 2, to read as follows:

86.252. 1. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the entire interest of a member shall be distributed or begin to be distributed no later than the member’s required beginning date. The general required beginning date of a member’s benefit is April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the

member terminates employment as a police officer and actually retires.

2. All distributions required pursuant to this section prior to January 1, 2003, shall be determined and made in accordance with the income tax regulations under Section 401(a)(9) of the Internal Revenue Code in effect prior to January 1, 2003, including the minimum distribution incidental benefit requirement of Section 1.401(a)(9)-2 of the income tax regulations. As of the first distribution year, distributions, if not made in a single sum, may only be made over one of the following periods, or a combination thereof:

(1) The life of the member;

(2) The life of the member and a designated beneficiary;

(3) A period certain not extending beyond the life expectancy of the member; or

(4) A period certain not extending beyond the joint and last survivor expectancy of the member and a designated beneficiary.

3. (1) This subsection shall apply for purposes of determining required minimum distributions for calendar years beginning on and after January 1, 2003, and shall take precedence over any inconsistent provisions of section 86.200 to 86.366. All distributions required under this subsection shall be determined and made in accordance with the United States Treasury regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.

(2) (a) The member's entire interest shall be distributed or begin to be distributed to the member no later than the member's required beginning date.

(b) If the member dies before distributions begin, the member's entire interest shall be distributed or begin to be distributed no later than as follows:

a. If the member's surviving spouse is the member's sole designated beneficiary, distributions to the surviving spouse shall begin by December thirty-first of the calendar year immediately following the calendar year in which the member died, or by December thirty-first of the calendar year in which the member would have attained age seventy and one-half years, if later;

b. If the member's surviving spouse is not the member's sole designated beneficiary, distributions to the designated beneficiary shall begin by December thirty-first of the calendar year immediately following the calendar year in which the member died;

c. If there is no designated beneficiary as of September thirtieth of the calendar year following the calendar year of the member's death, the member's entire interest shall be distributed by December thirty-first of the calendar year containing the fifth anniversary of the member's death;

d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distribution to the surviving spouse begins, this paragraph, except for subparagraph a. of this paragraph, shall apply as if the surviving spouse were the member. For purposes of this paragraph and subdivision (5) of this subsection, distributions shall be considered to begin on the member's required beginning date, or if subparagraph d. of this paragraph applies, the date distributions are required to begin to the surviving spouse under subparagraph a. of this paragraph. If annuity payments irrevocably commence to the member before the member's required beginning date, or to the member's surviving spouse before the date of distributions are required to begin to the surviving spouse under subparagraph a. of this paragraph, the date of distributions shall be considered to begin the date distributions actually commence.

(c) Unless the member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions shall be made in accordance with subdivisions (3), (4), and (5) of this subsection. If the member's interest is distributed in the form of an annuity purchased from an insurance company, distributions shall be made in accordance with the requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, and the United States Treasury regulations.

(3) (a) If the member's interest is paid in the form of annuity distributions under sections 86.200 to 86.366, payments under the annuity shall satisfy the following requirements:

a. The annuity distributions shall be paid in periodic payments made at intervals not longer than one year;

b. The distribution period shall be over a life or lives, or over a period certain not longer than the period described in subdivision (4) or (5) of this subsection;

c. Once payments have begun over a period certain, the period certain shall not be changed even if the period certain is shorter than the maximum permitted;

d. Payments shall either be nonincreasing or increase only as [follows:

(i) By an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that is based on prices of all items and issued by the federal Bureau of Labor Statistics;

(ii) To the extent of the reduction in the amount of the member's payments to provide for a surviving benefit upon death, but only if the beneficiary whose life was being used to determine the distribution period described in subdivision (4) of this subsection dies or is no longer the member's beneficiary under a qualified domestic relations order with the meaning of Section 414(p) of the Internal Revenue Code of 1986, as amended;

(iii) To provide cash refunds of employee contributions upon the member's death; or

(iv) To pay increased benefits that result from a revision of sections 86.200 to 86.366] **permitted under Q&A of Section 1.401(a)(9)-6 of the United States Treasury regulations.**

(b) The amount distributed on or before the member's required beginning date, or if the member dies before distribution begins, the date distributions are required to begin under subparagraph a. or b. of paragraph (b) of subdivision (2) of this subsection, shall be the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if the payment interval ends in the next calendar year. "Payment intervals" means the periods for which payments are received, such as bimonthly, monthly, semiannually, or annually. All of the member's benefit accruals as of the last day of the first distribution calendar year shall be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the member's required beginning date.

(c) Any additional benefits accruing to the member in a calendar year after the first distribution calendar year shall be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

(4) (a) If the member's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary, annuity payments to be made on or after the member's required beginning date to the designated beneficiary after the member's death shall not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable

to the member using the table set forth in Q&A-2 of Section 1.401(a)(9)-6T of the United States Treasury regulations.

(b) The period certain for an annuity distribution commencing during the member's lifetime shall not exceed the applicable distribution period for the member under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the United States Treasury regulations for the calendar year that contains the annuity starting date. If the annuity starting date precedes the year in which the member reaches age seventy, the applicable distribution period for the member shall be the distribution period for age seventy under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the United States Treasury regulations plus the excess of seventy over the age of the member as of the member's birthday in the year that contained the annuity starting date.

(5) (a) If the member dies before the date distribution of his or her interest begins and there is a designated beneficiary, the member's entire interest shall be distributed, beginning no later than the time described in subparagraph a. or b. of paragraph (b) of subdivision (2) of this subsection, over the life of the designated beneficiary or over a period certain not exceeding:

a. Unless the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the member's death; or

b. If the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year that contains the annuity starting date.

(b) If the member dies before the date distributions begin and there is no designated beneficiary as of September thirtieth of the calendar year following the calendar year of the member's death, distribution of the member's entire interest shall be completed by December thirty-first of the calendar year containing the fifth anniversary of the member's death.

(c) If the member dies before the date distribution of his or her interest begins, the member's surviving spouse is the member's sole designated beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, this subdivision shall apply as if the surviving spouse were the member; except that, the time by which distributions shall begin shall be determined without regard to subparagraph a. of paragraph (b) of subdivision (2) of this subsection.

(6) As used in this subsection, the following terms mean:

(a) "Designated beneficiary", the surviving spouse or the individual who is designated as the beneficiary under subdivision (4) of section 86.200 or any individual who is entitled to receive death benefits under section 86.283 or 86.287 and is the designated beneficiary under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, and Section 1.401(a)(9)-1, Q&A-4 of the United States Treasury regulations;

(b) "Distribution calendar year", a calendar year for which a minimum distribution is required. For distributions beginning before the member's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the member's required beginning date. For distributions beginning after the member's death, the first distribution calendar year is the calendar year in which distributions are required to begin under paragraph (b) of subdivision (2) of this subsection;

(c) "Life expectancy", life expectancy as computed by use of the Single Life Table in Section

1.401(a)(9)-9 of the United States Treasury regulations;

(d) “Required beginning date”, April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member terminates employment as a police officer and actually retires.

(7) Notwithstanding any provision in this subsection to the contrary:

(a) A distribution for calendar years 2003, 2004, and 2005 shall not fail to satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, merely because the payments do not satisfy Section 1.401(a)(9)-1, Q&A-1 to Q&A-16 of the United States Treasury regulations, provided the payments satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended; and

(b) [In the case of an annuity distribution option provided under the terms of sections 86.200 to 86.366 shall not fail to satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, merely because the annuity payments do not satisfy the requirements of Section 1.401(a)(9)-1, Q&A-1 to Q&A-15 of the United States Treasury regulations, provided the distribution option satisfies Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, based on a reasonable and good faith interpretation of the provisions of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.] **Pursuant to Section 1.401(a)(9)-1, Q&A-2 of the United States Treasury regulations, the plan shall be treated as having complied with Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all years to which Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, applies to the plan if the plan complies with a reasonable and good faith interpretation of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.**

86.255. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, if an eligible rollover distribution becomes payable to a distributee, the distributee may elect, at the time and in the manner prescribed by the board of trustees, to have any of the eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

2. For purposes of this section, the following terms mean:

(1) “Direct rollover”, a payment by the board of trustees from the fund to the eligible retirement plan specified by the distributee;

(2) “Distributee”, a member, a surviving spouse or a spouse **or, effective for distributions made on or after January 1, 2010, a nonspouse beneficiary;**

(3) “Eligible retirement plan”, an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code that accepts the distributee’s eligible rollover distribution or, effective for eligible rollover distributions made on or after January 1, 2002, an annuity contract described in Section 403(b) of the Internal Revenue Code or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan, and shall include, for eligible rollover distributions made on or after January 1, [2002, a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code] **2008, a Roth IRA as described in Section 408 of the Internal Revenue Code of 1986, as amended, provided that for distributions made on or after January 1, 2010**



**to a nonspouse beneficiary, an eligible retirement plan shall include only an individual retirement account described in Section 408(a) of the Internal Revenue Code of 1986, as amended, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code of 1986, as amended, or a Roth IRA described in Section 408A of the Internal Revenue Code of 1986, as amended, that is an inherited individual retirement account or annuity under Section 408 of the Internal Revenue Code of 1986, as amended;**

(4) “Eligible rollover distribution”, any distribution of all or any portion of a member’s benefit, other than:

(a) A distribution that is one of a series of substantially equal periodic payments, made not less frequently than annually, for the life or life expectancy of the distributee or for the joint lives or joint life expectancies of the distributee and the distributee’s designated beneficiary, or for a specified period of ten years or more;

(b) The portion of a distribution that is required under Section 401(a)(9) of the Internal Revenue Code; or

(c) Effective for distributions made on or after January 1, 2002, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, **for distributions made before January 1, 2007**, such portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable; **for distributions made on or after January 1, 2007**, such portion may also be transferred to an annuity contract described in Section 403(b) of the Internal Revenue Code of 1986, as amended, or to a qualified defined benefit plan described in Section 401(a) of the Internal Revenue Code of 1986, as amended, that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable; and for distributions made on or after January 1, 2008, such portion may also be transferred to a Roth IRA described in Section 408A of the Internal Revenue Code of 1986, as amended.

3. The board of trustees shall, at least thirty days, but not more than ninety days, before making an eligible rollover distribution, provide a written explanation to the distributee in accordance with the requirements of Section 402(f) of the Internal Revenue Code.

4. If the eligible rollover distribution is not subject to Sections 401(a) and 417 of the Internal Revenue Code, such eligible rollover distribution may be made less than thirty days after the distributee has received the notice described in subsection 3 of this section, provided that:

(1) The board of trustees clearly informs the distributee of the distributee’s right to consider whether to elect a direct rollover, and if applicable, a particular distribution option, for at least thirty days after the distributee receives the notice; and

(2) The distributee, after receiving the notice, affirmatively elects a distribution.

5. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, in no event shall the trustees pay an eligible rollover distribution in the amount of five thousand dollars or less to a member or

retired member who has not attained age sixty-two unless such member or retired member consents in writing either to receive such distribution in cash or to have such distribution directly rolled over in accordance with the provisions of this section.

86.256. 1. In no event shall a member's annual benefit paid under the plan established pursuant to sections 86.200 to 86.366 exceed the amount specified in Section 415(b)(1)(A) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living, as in effect on the last day of the plan year, including any increases after the member's termination of employment.

2. Effective for limitation years beginning after December 31, 2001, in no event shall the annual additions to the plan established pursuant to sections 86.200 to 86.366, on behalf of the member, including the member's own mandatory contributions, exceed the [lesser of:

(1) One hundred percent of the member's compensation, as defined for purposes of Section 415(c)(3) of the Internal Revenue Code, for the limitation year; or

(2) Forty thousand dollars, as adjusted for increases in the cost of living under Section 415(d) of the Internal Revenue Code.

3. Effective for limitation years beginning prior to January 1, 2000, in no event shall the combined plan limitation of Section 415(e) of the Internal Revenue Code be exceeded; provided that, if necessary to avoid exceeding such limitation, the member's annual benefit under the plan established pursuant to sections 86.200 to 86.366 shall be reduced to the extent necessary to satisfy such limitations.

**4.] amount specified in Section 415(c) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living pursuant to Section 415(d) of the Internal Revenue Code of 1986, as amended, as in effect on the last day of the plan year.**

3. For purposes of this section, Section 415 of the Internal Revenue Code, including the special rules under Section 415(b) applicable to governmental plans and qualified participants employed by a police or fire department, is incorporated in this section by reference.

86.294. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, and subject to the provisions of subsections 2[, 3,] and [4] **3** of this section, effective January 1, 2002, the plan shall accept a member's rollover contribution or direct rollover of an eligible rollover distribution made on or after January 1, 2002, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code, or an annuity contract described in Section 403(b) of the Internal Revenue Code, or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, **and that would otherwise be includable in gross income.** The plan will also accept a member's rollover contribution of the portion of a distribution from an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code that is eligible to be rolled over and would otherwise be includable in gross income. **The plan will accept a member's direct rollover of an eligible rollover distribution made on or after October 1, 2010, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code of 1986, as amended, or an annuity contract described in 403(b) of the Internal Revenue Code of 1986, as amended, that includes after-tax employee contributions, other than Roth contributions described in Section 402A of the Internal Revenue Code of 1986, as amended, that are not includable in gross income and shall separately account for such after-tax amounts.**

2. Except to the extent specifically permitted under procedures established by the board of

**trustees**, the amount of such rollover contribution or direct rollover of an eligible rollover distribution shall not exceed the amount required to repay the member's accumulated contributions plus the applicable members' interest thereon from the date of withdrawal to the date of repayment in order to receive credit for such prior service in accordance with section 86.210, to the extent that Section 415 of the Internal Revenue Code does not apply to such repayment by reason of subsection (k)(3) thereof, or to purchase permissive service credit, as defined in Section 415(n)(3)(A) of the Internal Revenue Code, for the member under the plan in accordance with the provisions of section 105.691, RSMo.

3. Acceptance of any rollover contribution or direct rollover of **an** eligible rollover distribution under this section shall be subject to the approval of the board of trustees and shall be made in accordance with procedures established by the board of trustees.

[4. In no event shall the plan accept any rollover contribution or direct rollover distribution to the extent that such contribution or distribution consists of after-tax employee contributions which are not includable in gross income.]

**86.295. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, if a member dies on or after January 1, 2007, while performing qualified military service, as defined in Section 414(u)(5) of the Internal Revenue Code of 1986, as amended, the member's surviving spouse or other dependents shall be entitled to any benefits, other than benefit increases relating to the period of qualified military service, and the rights and features associated with those benefits which would have been provided under sections 86.280 and 86.290 if the member had returned to service as a police officer and died while in active service.”; and**

Further amend said bill, Page 19, Section 144.817, Line 18, by inserting after all of said line the following:

“169.270. Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) “Accumulated contributions”, the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member's individual account together with interest thereon in the employees' contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) “Actuarial equivalent”, a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. **The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system's actuary and approved by the board of trustees;**

(3) “Average final compensation”, the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are “consecutive”, only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) “Beneficiary”, any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) “Board of education”, the board of directors or corresponding board, by whatever name, having

charge of the public schools of the school district in which the retirement system is established;

(6) “Board of trustees”, the board provided for in section 169.291 to administer the retirement system;

(7) “Break in service”, an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed, or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A “school or work day” is a day on which the employee’s employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee’s last job description to report to their place of employment for any reason;

(8) “Charter school”, any charter school established pursuant to sections 160.400 to 160.420, RSMo, and located, at the time it is established, within the school district;

(9) “Compensation”, the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member’s behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) “Creditable service”, the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) “Employee”, any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) “Employer”, the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retiree;

(13) “Employer’s board”, the board of education, the governing board of any charter school, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) “Library district”, any urban public library district created from or within a school district under

the provisions of section 182.703, RSMo;

(15) “Medical board”, the board of physicians provided for in section 169.291;

(16) “Member”, any person who is a regular employee after the retirement system has been established hereunder (“active member”), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder (“inactive member”);

(17) “Minimum normal retirement age”, the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit, with both years of creditable service and years of age prorated for fractional years;

(18) “Prior service”, service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(19) “Regular employee”, any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee’s status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;

(20) “Retirant”, a former member receiving a retirement allowance hereunder;

(21) “Retirement allowance”, annuity payments to a retirant or to such beneficiary as is entitled to same;

(22) “School district”, any school district in which a retirement system shall be established under section 169.280.

169.280. 1. In each school district of this state (i) that now has or may hereafter have a population of not more than seven hundred thousand and (ii) not less than seventy percent of whose population resides in a city other than a city not within a county which now has or may hereafter have a population of four hundred thousand or more, according to the latest United States decennial census, there is hereby created and established a retirement system for the purpose of providing retirement allowances and related benefits for employees of the employer. Each such system shall be under the management of a board of trustees herein described, and shall be known as “The Public School Retirement System of (name of school district)”, and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held. When a school district first satisfies the foregoing population conditions, the board of education shall adopt a resolution certifying the same and take all actions necessary to cause the retirement system to begin operation on the thirtieth day of September following such certification.

2. In the event that (i) the population of a school district having a retirement system created hereunder should increase to a number greater than seven hundred thousand, or (ii) the population of the city in which not less than seventy percent of the population of the school district resides should decrease to a number less than four hundred thousand, or (iii) less than seventy percent of the population of the school district should reside in a city having a population of at least four hundred thousand, or (iv) the corporate organization of the school district shall lapse in accordance with subsections 1 and 4 of section 162.081,

RSMo, the retirement system of such school district shall continue to be governed by and subject to sections 169.270 to 169.400 and all other statutes, rules, and regulations applicable to retirement systems in school districts having a population of not more than seven hundred thousand and not less than seventy percent of whose population resides in a city, other than a city not within a county, of four hundred thousand or more, as if the population of such school district and city continued to be within such numerical limits.

**3. The plan of retirement benefits administered by the retirement system established hereby is intended to be a qualified plan under the provisions of applicable federal law. The board of trustees shall interpret the statutes governing the retirement system and shall administer the retirement system in all respects consistent with such intent. The assets of the retirement system shall be held in trust for the exclusive benefit of members and their beneficiaries and for defraying reasonable administrative expenses of the retirement system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purposes other than for such exclusive benefit or for any purpose inconsistent with the requirements of sections 169.270 to 169.400.**

169.301. 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

**4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.**

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal

monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that, effective January 1, 1996, any retiree who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the retiree elected any of the options available under section 169.326. Provided, further, any retiree who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the retiree elected any of the options available under section 169.326). Any beneficiary of a deceased retiree who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, **provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system.** If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average **final** annual compensation as of the second retirement date. The sum calculated pursuant to this subsection

shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and the first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the statutory contribution rate;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such



period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.328. 1. Should a member cease to be a regular employee, except by retirement, the member, if living, shall be paid on demand, made by written notice to the board of trustees, the amount of the person's accumulated contributions (with interest as determined by the board of trustees as provided in sections 169.270 to 169.400) standing to the credit of the person's individual account in the employees' contribution fund. The accumulated contributions with interest shall not be paid to a member so long as the person remains a regular employee or before the member incurs a break in service. If the member dies before retirement such accumulated contributions (with interest) shall be paid to the member's estate or designated beneficiary unless the provisions of subsection 3 of section 169.326 apply.

2. If a former unvested member's accumulated contributions have not been withdrawn four years after the person has ceased to be a member (other than by reason of death or retirement), the board of trustees shall pay the same to such former member within a reasonable time after the expiration of such four-year period.

3. If, on account of undeliverability, improper mailing or forwarding address, or other similar problem, the board of trustees is unable to refund the accumulated contributions of a former unvested member or to commence payment of retirement benefits within four years after the end of the calendar year in which such former member ceased to be a regular employee, the board may transfer the accumulated contributions to the general reserve fund. If, thereafter, written application is made to the board of trustees for such refund or benefits, the board shall cause the same to be paid from the general reserve fund, but no interest shall be accrued after the end of the fourth year following the end of the calendar year in which such former member ceased to be a regular employee.

4. In its discretion the board of trustees may approve extensions of any time periods in this section on account of a former member's military or naval service, academic study or illness.

**5. Any member or beneficiary who is entitled to receive a distribution that is an eligible rollover distribution, as defined in Section 402(c)(4) of the Internal Revenue Code of 1986, may elect to have that distribution transferred directly to another eligible retirement plan, as defined in Section 402(c)(8) of the Internal Revenue Code of 1986, designated by the member or beneficiary in accordance with procedures established by the board of trustees. An eligible rollover distribution shall include a distribution to a nonspouse beneficiary that is treated as an eligible rollover distribution under Section 402(c)(11) of the Internal Revenue Code of 1986. All such transfers shall be made in compliance with the requirements of Section 401(a)(31) of the Internal Revenue Code of 1986 and regulations thereunder.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 981, Section A, Page 1, Line 3, by inserting the following after all of said Line:

**“67.2050. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:**

**(1) “Facility”, a location composed of real estate, buildings, fixtures, machinery, and equipment;**

**(2) “Municipality”, any county, city, incorporated town, or village of the state;**

**(3) “NAICS”, the 2007 edition of the North American Industry Classification System developed under the direction and guidance of the federal Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;**

**(4) “Technology business facility”, a facility purchased, constructed, extended, or improved under this section, provided that such business facility is engaged in:**

**(a) Data processing, hosting, and related services (NAICS 518210); or**

**(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;**

**(5) “Technology business facility project” or “project”, the purchase, construction, extension, and improvement of technology business facilities, whether of the facility as a whole or of any one or more of the facility’s components of real estate, buildings, fixtures, machinery, and equipment.**

**2. The governing body of any municipality may:**

**(1) Carry out technology business facility projects for economic development under this section;**

**(2) Accept grants from the federal and state governments for technology business facility project purposes, and may enter into such agreements as are not contrary to the laws of this state and which may be required as a condition of grants by the federal government or its agencies; and**

**(3) Receive gifts and donations from private sources to be used for technology business facility project purposes.**

**3. The governing body of the municipality may enter into loan agreements, sell, lease, or mortgage to private persons, partnerships, or corporations any one or more of the components of a facility received, purchased, constructed, or extended by the municipality for development of a technology business facility project. The loan agreement, installment sale agreement, lease, or other such document shall contain such other terms as are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with this section. When, in the judgment of the governing body of the municipality, the technology business facility project will result in economic benefits to the municipality, the governing body may lawfully enter into an agreement that includes nominal monetary consideration to the municipality in exchange for the use of one or more components of the facility.**

**4. Transactions involving the lease or rental of any components of a project under this section shall**

be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745.

**5. Leasehold interests granted and held under this section shall not be subject to property taxes.**

**6. Any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.**

**7. The county assessor shall include the current assessed value of all property within the affected taxing entities in the aggregate valuation of assessed property entered upon the assessor's book and verified under section 137.245, and such value shall be used for the purpose of the debt limitation on local government under section 26(b), article VI, Constitution of Missouri.**

**8. The governing body of any municipality may sell or otherwise dispose of the property, buildings, or plants acquired under this section to private persons or corporations for technology business facility project purposes upon approval by the governing body. The terms and method of the sale or other disposal shall be established by the governing body so as to reasonably protect the economic well-being of the municipality and to promote the development of technology business facility projects. A private person or corporation that initially transfers property to the municipality for the purposes of a technology business facility project and does not charge a purchase price to the municipality shall retain the right, upon request to the municipality, to have the municipality retransfer the donated property to the person or corporation at no cost.”; and**

Further amend said bill, Section 94.577, Page 9, Line 224, by inserting after all of said line the following:

“135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) “Average wage”, the new payroll divided by the number of new jobs;

(2) “Blighted area”, an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(3) “Board”, an enhanced enterprise zone board established pursuant to section 135.957;

(4) “Certified site zone”, an area of real property that:

(a) Encompasses not less than fifty acres that has been approved as a certified site by the department;

(b) Has been found to be blighted by the governing authority; and

(c) Is located in one or more census tracts which according to the United States Census Bureau's last decennial census has a poverty rate of fifteen percent or more, or for which the median household

**income that is less than:**

**a. Statewide median household income; or**

**b. The metropolitan median household income for the metropolitan statistical area in which the certified site zone is located;**

**(5) “Certified site”, an area of property designated as a certified site by the department under the certified sites program;**

**(6) “Commencement of commercial operations” shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;**

**[(5)] (7) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, such taxpayer shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;**

**[(6)] (8) “Department”, the department of economic development;**

**[(7)] (9) “Director”, the director of the department of economic development;**

**(10) “Dormant manufacturing plant zone”, an area of real property:**

**(a) Encompassing not less than two hundred fifty acres that, within five years of the date of the notice of intent, was predominantly used for manufacturing or assembly and employed not less than three thousand persons but has since ceased all activity;**

**(b) That has been found, by an ordinance adopted by the governing body, to be a blighted area and designated for redevelopment; and**

**(c) That:**

**a. Is located in a census tract with, according to United States Census Bureau’s American Community Survey based on the most recent of five-year period estimated data in which the estimate ends in either zero or five, a poverty rate of fifteen percent or more, or the median household income is below the statewide median household income or the metropolitan median household income for the metropolitan statistical area in which the property is located; or**

**b. Involves funding provided by a federal agency of at least one million dollars to facilitate the redevelopment of such property;**

**[(8)] (11) “Employee”, a person employed by the enhanced business enterprise that is scheduled to work an average of at least one thousand hours per year, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;**

**[(9)] (12) “Enhanced business enterprise”, an industry or one of a cluster of industries that is either:**

(a) Identified by the department as critical to the state's economic security and growth, **or in the case of a business enterprise located in a certified site zone, will also include data processing, hosting, and related services (NAICS 518210) and internet publishing, broadcasting, and web search portals (NAICS 519130);** or

(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved **or deemed approved** by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

[(10)] **(13)** "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior to an expansion, acquisition, addition, or replacement;

[(11)] **(14)** "Facility", any building used as an enhanced business enterprise located within an enhanced enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

[(12)] **(15)** "Facility base employment", the greater of the number of employees located at the facility on the date of the notice of intent, or for the twelve-month period prior to the date of the notice of intent, the average number of employees located at the facility, or in the event the project facility has not been in operation for a full twelve-month period, the average number of employees for the number of months the facility has been in operation prior to the date of the notice of intent;

[(13)] **(16)** "Facility base payroll", the total amount of taxable wages paid by the enhanced business enterprise to employees of the enhanced business enterprise located at the facility in the twelve months prior to the notice of intent, not including the payroll of owners of the enhanced business enterprise unless the enhanced business enterprise is participating in an employee stock ownership plan. For the purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

[(14)] **(17)** "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;

[(15)] **(18)** "Megaproject", any manufacturing or assembling facility, approved by the department for construction and operation within an enhanced enterprise zone, which satisfies the following:

(a) The new capital investment is projected to exceed three hundred million dollars over a period of eight years from the date of approval by the department;

(b) The number of new jobs is projected to exceed one thousand over a period of eight years beginning on the date of approval by the department;

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

[(16)] **(19)** “NAICS”, the [1997] **2007** edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

[(17)] **(20)** “New business facility”, a facility that satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer’s only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the same or a substantially similar enhanced business enterprise is not continued by the taxpayer at such facility; and

(d) Such facility is not a replacement business facility, as defined in subdivision [(25)] **(28)** of this section;

[(18)] **(21)** “New business facility employee”, an employee of the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.967 **or section 135.969** is claimed, except that truck drivers and rail and barge vehicle operators and other operators of rolling stock for hire shall not constitute new business facility employees;

[(19)] **(22)** “New business facility investment”, the value of real and depreciable tangible personal property, acquired by the taxpayer **or on its behalf in the case of a lease**, as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by **section 135.967 or 135.969** is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

[(20)] **(23)** “New job”, the number of employees located at the facility that exceeds the facility base employment less any decrease in the number of the employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

[(21)] **(24)** “Notice of intent”, a form developed by the department which is completed by the enhanced business enterprise and submitted to the department which states the enhanced business enterprise’s intent to hire new jobs and request benefits under such program;

[(22)] **(25)** “Related facility”, a facility operated by the enhanced business enterprise or a related company in this state that is directly related to the operation of the project facility;

[(23)] **(26)** “Related facility base employment”, the greater of:

(a) The number of employees located at all related facilities on the date of the notice of intent; or

(b) For the twelve-month period prior to the date of the notice of intent, the average number of employees located at all related facilities of the enhanced business enterprise or a related company located in this state;

[(24)] **(27)** “Related taxpayer”:

(a) A corporation, partnership, trust, or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. “Control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, and “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

[(25)] **(28)** “Replacement business facility”, a facility otherwise described in subdivision [(17)] **(20)** of this section, hereafter referred to in this subdivision as “new facility”, which replaces another facility, hereafter referred to in this subdivision as “old facility”, located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year for which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer’s or related

taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of an enhanced business enterprise and the taxpayer continues the operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subdivision [(19)] **(22)** of this section, in the new facility during the tax period for which the credits allowed in section 135.967 **or 135.969** are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

[(26)] **(29)** "Same or substantially similar enhanced business enterprise", an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.

135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

(1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and

(2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:

(a) Within the state of Missouri, according to the last decennial census or other appropriate source as approved by the director; or

(b) Within the county or city not within a county in which the area is located, according to the last decennial census or other appropriate source as approved by the director; and

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

(4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:

(a) The state of Missouri over the previous twelve months; or

(b) The county or city not within a county over the previous twelve months.

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster



Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100, RSMo, due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a “county of declining population” is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

**4. Notwithstanding the requirements of subsection 1 of this section to the contrary, a certified site zone or a dormant manufacturing plant zone may be designated as an enhanced enterprise zone if the certified site zone or dormant manufacturing plant zone meets the criteria set forth in subdivision (4) of section 135.950 or the dormant manufacturing plant zone meets the criteria set forth in subdivision (10) of section 135.950.**

5. In addition to meeting the requirements of subsection 1, 2, **3**, or [3] **4** of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

- (1) The potential to create sustainable jobs in a targeted industry; or
- (2) A demonstrated impact on local industry cluster development.

135.957. 1. A governing authority planning to seek designation of an enhanced enterprise zone shall establish an enhanced enterprise zone board. The number of members on the board shall be seven. One member of the board shall be appointed by the school district or districts located within the area proposed for designation as an enhanced enterprise zone. One member of the board shall be appointed by other affected taxing districts. The remaining five members shall be chosen by the chief elected official of the county or municipality.

2. The school district member and the affected taxing district member shall each have initial terms of five years. Of the five members appointed by the chief elected official, two shall have initial terms of four years, two shall have initial terms of three years, and one shall have an initial term of two years. Thereafter, members shall serve terms of five years. Each commissioner shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

3. A majority of the members shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the board and for all other purposes. Action may be taken by the board upon a vote of a majority of the members present.

4. The members of the board annually shall elect a chair from among the members.

**5. In the case of a certified site zone or a dormant manufacturing plant zone regarding which a finding of blight has been made as provided in subdivision (1) of subsection 1 of section 99.810, the**

**commission created under section 99.820 may, at the sole option of the governing authority, supplant and replace the board established in accordance with subsection 1 of this section, and the composition and organization of such commission shall be in accordance with section 99.820. If the governing authority elects for such commission to serve in the capacity of the enhanced enterprise zone board instead of the board established in accordance with subsection 1 of this section, the commission shall fulfill the duties of the board established under subsection 6 of this section.**

**6.** The role of the board or commission, as described in subsection 5 of this section, shall be to conduct the activities necessary to advise the governing authority on the designation of an enhanced enterprise zone and any other advisory duties as determined by the governing authority. The role of the board after the designation of an enhanced enterprise zone shall be review and assessment of zone activities as it relates to the annual reports as set forth in section 135.960.

135.960. 1. Any governing authority that desires to have any portion of a city or unincorporated area of a county under its control designated as an enhanced enterprise zone shall hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation. The governing authority shall notify the director of such hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by such designation at least twenty days prior to the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state the time, location, date, and purpose of the hearing. The director, or the director's designee, shall attend such hearing. **In the alternative, any governing authority that has made the necessary findings by ordinance to designate a certified site zone or a dormant manufacturing plant zone as a blighted area as contemplated under subdivision (1) of subsection 1 of section 99.820, prior to December 31, 2010, shall not be required to conduct an additional public hearing to establish the certified site zone or the dormant manufacturing plant zone as an enhanced enterprise zone so long as the governing authority notified the director of such hearing, at least thirty days prior thereto. Any governing authority that seeks to make the necessary finding to designate a certified site zone or a dormant manufacturing plant zone as an enhanced enterprise zone after December 31, 2010, may do so under a public hearing required under sections 99.820 and 99.825 conducted by the commission, and such public hearing shall satisfy the public hearing requirement set forth in subsection 1 of this section so long as the governing authority shall notify the director of such hearing at least thirty days prior thereto.**

2. After a public hearing is held as required in subsection 1 of this section, the governing authority may file a petition with the department requesting the designation of a specific area as an enhanced enterprise zone. Such petition shall include, in addition to a description of the physical, social, and economic characteristics of the area:

(1) A plan to provide adequate police protection within the area;

(2) A specific and practical process for individual businesses to obtain waivers from burdensome local regulations, ordinances, and orders which serve to discourage economic development within the area to be designated an enhanced enterprise zone, except that such waivers shall not substantially endanger the health or safety of the employees of any such business or the residents of the area;

(3) A description of what other specific actions will be taken to support and encourage private investment within the area;

(4) A plan to ensure that resources are available to assist area residents to participate in increased

development through self-help efforts and in ameliorating any negative effects of designation of the area as an enhanced enterprise zone;

(5) A statement describing the projected positive and negative effects of designation of the area as an enhanced enterprise zone;

(6) A specific plan to provide assistance to any person or business dislocated as a result of activities within the enhanced enterprise zone. Such plan shall determine the need of dislocated persons for relocation assistance; provide, prior to displacement, information about the type, location, and price of comparable housing or commercial property; provide information concerning state and federal programs for relocation assistance and provide other advisory services to displaced persons. Public agencies may choose to provide assistance under the Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. Section 4601, et seq., to meet the requirements of this subdivision; and

(7) A description or plan that demonstrates the requirements of subsection 4 of section 135.953.

3. An enhanced enterprise zone designation shall be effective upon such approval **or deemed approval** by the department and shall expire in twenty-five years. **Notwithstanding the requirement of subsection 2 of this section to the contrary, any certified site zone or dormant manufacturing plant zone that has been designated as a blighted redevelopment area as contemplated under subdivision (1) of subsection 1 of section 99.820 by the governing body or any certified site zone or dormant manufacturing plant zone that has been otherwise designated as an enhanced enterprise zone by the governing authority under this section shall be deemed approved and designated as an enhanced enterprise zone without further approval of or additional action being taken by the department. Such approval of the department of the certified site zone or dormant manufacturing plant zone as an enhanced enterprise zone and the designation of the certified site zone or dormant manufacturing plant zone as an enhanced enterprise zone shall be deemed effective when the governing authority provides written notice to the department of its intent to establish such enhanced enterprise zone and such notice is accompanied with a petition that includes all of the information required by subsection 2 of this section.**

4. Each designated enhanced enterprise zone board shall report to the director on an annual basis regarding the status of the zone and business activity within the zone.

135.963. 1. Improvements made to real property as such term is defined in section 137.010, RSMo, which are made in an enhanced enterprise zone subsequent to the date such zone or expansion thereto was designated, may, upon approval of an authorizing resolution by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. In addition to enhanced business enterprises, a speculative industrial or warehouse building constructed by a public entity or a private entity if the land is leased by a public entity may be subject to such exemption.

2. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions, or stipulations otherwise required. A copy of the resolution shall be provided to the director within thirty calendar days following adoption of the resolution by the governing authority.

3. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the

exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing.

4. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enhanced enterprise zone of enhanced business enterprises or speculative industrial or warehouse buildings as indicated in subsection 1 of this section shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for enhanced business enterprises. The exemption for speculative buildings is subject to the approval of the governing authority for a period not to exceed two years if the building is owned by a private entity and five years if the building is owned or ground leased by a public entity. This shall not preclude the building receiving an exemption for the remaining time period established by the governing authority if it was occupied by an enhanced business enterprise. The two- and five-year time periods indicated for speculative buildings shall not be an addition to the local abatement time period for such facility.

5. No exemption shall be granted for a period more than twenty-five years following the date on which the original enhanced enterprise zone was designated **or deemed approved** by the department.

6. The provisions of subsection 1 of this section shall not apply to improvements made to real property begun prior to August 28, 2004.

7. The abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855, 99.957, or 99.1042, RSMo, and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection 1 of section 99.845, RSMo, subdivision (2) of subsection 3 of section 99.957, RSMo, or subdivision (2) of subsection 3 of section 99.1042, RSMo, unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942, or section 99.1027, RSMo.

**8. As applicable, before the provisions of subdivision (7) of subsection 3 of section 137.115 become effective in an enhanced enterprise zone, each local political subdivision that currently levies an ad valorem tax on tangible personal property within the boundaries of the enhanced enterprise zone shall adopt a resolution providing that the provisions of subdivision (7) of subsection 3 of section 137.115 shall apply to tangible personal property in such case.**

135.967. 1. A taxpayer who establishes a new business facility may, upon approval by the department, be allowed a credit, each tax year for up to ten tax years, in an amount determined as set forth in this section, against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo. No taxpayer shall receive multiple [ten-year] **five-year** periods for subsequent expansions at the same facility. **Notwithstanding the provisions of this subsection, the provisions of section 135.969 shall govern the issuance of tax credits for a new business facility in a certified site zone or dormant manufacturing plant zone approved and designated as an enhanced enterprise zone, except for the amount of tax credits to be issued with respect to such certified site zone or dormant manufacturing plant zone as provided in subsection 5 of this section.**

2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes a new business facility in an enhanced enterprise zone and is awarded state tax credits under this section may not also receive tax credits under sections 135.100 to 135.150, sections 135.200 to 135.286, or section 135.535, and may not simultaneously receive tax credits under sections 620.1875 to 620.1890, RSMo, at the same facility.

3. No credit shall be issued pursuant to this section unless:

(1) The number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds two; and

(2) The new business facility investment for the taxable year for which the credit is claimed equals or exceeds one hundred thousand dollars.

4. The annual amount of credits allowed for an approved enhanced business enterprise shall be the lesser of:

(1) The annual amount authorized by the department for the enhanced business enterprise, which shall be limited to the projected state economic benefit, as determined by the department; or

(2) [The sum calculated based upon] **An amount not to exceed the sum of** the following:

(a) [A credit of four hundred dollars for each new business facility employee employed within an enhanced enterprise zone;

(b) An additional credit of four hundred dollars for each new business facility employee who is a resident of an enhanced enterprise zone] **A tax credit up to five percent of the gross wages of each new business facility employee employed within the enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, up to three percent; and**

**(b) A tax credit up to one percent of new business facility investment within an enhanced enterprise zone made during the current taxable year if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, up to one-half percent;**

(c) An additional credit of four hundred dollars for each new business facility employee who is paid by the enhanced business enterprise a wage that exceeds the average wage paid within the county in which the facility is located, as determined by the department; and

(d) A credit equal to two percent of new business facility investment within an enhanced enterprise zone.

5. Prior to January 1, 2007, in no event shall the department authorize more than four million dollars annually to be issued for all enhanced business enterprises. After December 31, 2006, in no event shall the department authorize more than twenty-four million dollars annually to be issued for all enhanced business enterprises **including any such enhanced business enterprises located in certified site zones or dormant manufacturing plant zones under section 135.969.**

6. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered eligible for the credit allowed by this section if:

(1) The taxpayer's new business facility investment in the expansion during the tax period in which the credits allowed in this section are claimed exceeds one hundred thousand dollars and if the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable

year for which credit is claimed equals or exceeds two, and the total number of employees at the facility after the expansion is at least two greater than the total number of employees before the expansion; and

(2) The taxpayer's investment in the expansion and in the original facility prior to expansion shall be determined in the manner provided in subdivision [(19)] **(22)** of section 135.950.

7. The number of new business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the new business facility is in operation for less than the entire taxable year, the number of new business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision [(17)] **(20)** of section 135.950, or subdivision [(25)] **(28)** of section 135.950, the number of new business facility employees at such facility shall be reduced by the average number of individuals employed, computed as provided in this subsection, at the facility during the taxable year immediately preceding the taxable year in which such expansion, acquisition, or replacement occurred and shall further be reduced by the number of individuals employed by the taxpayer or related taxpayer that was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

8. In the case where a new business facility employee who is a resident of an enhanced enterprise zone for less than a twelve-month period is employed for less than a twelve-month period, the credits allowed by paragraph (b) of subdivision (2) of subsection 4 of this section shall be determined by multiplying four hundred dollars by a fraction, the numerator of which is the number of calendar days during the taxpayer's tax year for which such credits are claimed, in which the employee was a resident of an enhanced enterprise zone, and the denominator of which is three hundred sixty-five.

9. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility pursuant to subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision [(17)] **(20)** of section 135.950 or subdivision [(25)] **(28)** of section 135.950, the amount of the taxpayer's new business facility investment in such facility shall be reduced by the average amount, computed as provided in subdivision [(19)] **(22)** of section 135.950 for new business facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding such expansion or replacement or at the time of acquisition. Furthermore, the amount of the taxpayer's new business facility investment shall also be reduced by the amount of investment employed by the taxpayer or related taxpayer which was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

10. For a taxpayer with flow-through tax treatment to its members, partners, or shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period.

11. Credits may not be carried forward but shall be claimed for the taxable year during which

commencement of commercial operations occurs at such new business facility, and for each of the nine succeeding taxable years for which the credit is issued.

12. Certificates of tax credit authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. The sale price cannot be less than seventy-five percent of the par value of such credits.

13. The director of revenue shall issue a refund to the taxpayer to the extent that the amount of credits allowed in this section exceeds the amount of the taxpayer's income tax.

14. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

**135.969. 1. A taxpayer who establishes a new business facility in a certified site zone or a dormant manufacturing plant zone approved or designated as an enhanced enterprise zone shall receive a tax credit each tax year for five tax years, in an amount determined as set forth in this section, against the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265. No taxpayer shall receive multiple five-year periods for subsequent expansions at the same facility.**

**2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes a new business facility in a certified site zone or dormant manufacturing plant zone approved or designated as an enhanced enterprise zone and accepts state tax credits under this section shall not also receive tax credits or other benefits for the same new jobs under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, section 135.967, or sections 620.1875 to 620.1890 unless such benefits are determined to be necessary by the department.**

**3. The taxpayer shall be entitled to receive the tax credit upon satisfaction of one of the following criteria:**

**(1) The number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds nine; and**

**(2) The new business facility investment for the taxable year for which the credit is claimed equals or exceeds five hundred thousand dollars.**

**4. The annual amount of tax credits to be issued for an enhanced business enterprise located in**

a certified site zone or dormant manufacturing plant zone shall be equal to the lesser of:

(1) The annual amount of projected state economic benefit for such enhanced business enterprise, as determined by the department; or

(2) An annual amount equal to the sum of the following:

(a) A tax credit equal to seven percent of the gross wages of each new business facility employee employed within the enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, equal to four percent; and

(b) A tax credit equal to two percent of new business facility investment within an enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, equal to one percent.

5. As set forth in section 135.967, up to twenty-four million dollars of tax credits shall be authorized annually for issuance of tax credits for all enhanced enterprise zones including any tax credits issued with respect to certified site zones and dormant manufacturing plant zones of which ten million shall be used exclusively for tax credits attributable to taxpayers in accordance with this section who establish new business facilities in a certified site zone qualified as such under subdivision (4) of section 135.950, provided that for calendar years 2010 and 2011, the ten million dollar limitation may be reduced to equal the balance of tax credits available under the entire program if, as of August 28, 2010, the department has made irrevocable allocations to qualified applicants for tax credits under section 135.967 such that the total of all available tax credit capacity of this program is less than ten million dollars. Beginning January 1, 2011, if no such taxpayer or taxpayers have applied for tax credits attributable to new business facilities in a certified site zone qualified as such under subdivision (4) of section 135.950 by November fifteenth of each calendar year for the entire ten million dollars, or such lesser amount as computed for calendar years 2010 and 2011, any remaining tax credits for which an application has not been made will be available for issuance for all enhanced enterprise zones for that calendar year. If a new business facility investment in a certified site zone qualified as such under subdivision (4) of section 135.950 qualifies the taxpayer for tax credits under subsection 4 of this section, in excess of the available annual authorization limit set forth in this subsection, the taxpayer may carry such excess new business facility investment amount forward to subsequent years and such excess shall be treated as a new business facility investment for such later taxable years until the taxpayer has received issuance of all tax credits authorized under this section, and, for each such taxable year, the taxpayer shall receive such tax credits on a pro rata basis with other applicants for the tax credits if there are other applicants.

6. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered eligible for the credit allowed by this section if:

(1) The taxpayer's new business facility investment in the expansion during the tax period in which the credits allowed in this section are claimed exceeds five hundred thousand dollars and if the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which credit is claimed equals or exceeds two, and the total number of employees at the facility after the expansion is at least two greater than the total number of employees before the expansion; and



(2) The taxpayer's investment in the expansion and in the original facility prior to expansion shall be determined in the manner provided in subdivision (22) of section 135.950.

7. The number of new business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the new business facility is in operation for less than the entire taxable year, the number of new business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision (20) or (28) of section 135.950, the number of new business facility employees at such facility shall be reduced by the average number of individuals employed, computed as provided in this subsection, at the facility during the taxable year immediately preceding the taxable year in which such expansion, acquisition, or replacement occurred and shall further be reduced by the number of individuals employed by the taxpayer or related taxpayer that was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

8. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision (20) or (28) of section 135.950, the amount of the taxpayer's new business facility investment in such facility shall be reduced by the average amount, computed as provided in subdivision (22) of section 135.950 for new business facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding such expansion or replacement or at the time of acquisition. Furthermore, the amount of the taxpayer's new business facility investment shall also be reduced by the amount of investment employed by the taxpayer or related taxpayer which was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

9. For a taxpayer with flow-through tax treatment to its members, partners, or shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period.

10. Except as allowed in subsection 5 of this section, credits may not be carried forward but shall be claimed for the taxable year during which commencement of commercial operations occurs at such new business facility, and for each of the nine succeeding taxable years for which the credit is issued.

11. Certificates of tax credit authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. The sale price cannot be less than seventy-five percent of the par value of such credits.

**12. The director of revenue shall issue a refund to the taxpayer to the extent that the amount of credits allowed in this section exceeds the amount of the taxpayer's income tax.**

**13. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.**

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to

forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; [and]

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial

classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent;

**(7) In any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, tools, telecommunications equipment, power production and transmission machinery and equipment, data processing machinery and equipment, and other machinery and equipment that is used in an enhanced enterprise zone designated as such a zone for a certified site zone as defined in subdivision (4) of section 135.950, one-half of one percent.**

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

- (1) For real property in subclass (1), nineteen percent;
- (2) For real property in subclass (2), twelve percent; and
- (3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such

publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section

137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

Further amend said bill, Section 144.030, Page 18, Line 271, by inserting after all of said line the following:

“144.054. 1. As used in this section, the following terms mean:

(1) “Processing”, any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) “Recovered materials”, those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085, RSMo, and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, RSMo, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business, **and all tangible personal property, including tools, telecommunications equipment, power production and transmission machinery and equipment and data processing**

**machinery and equipment, and any other tools, materials, machinery, or equipment used or consumed in an enhanced enterprise zone designated as such a zone for a certified site zone as defined in subdivision (4) of section 135.950.**

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669, RSMo.

**144.810. 1. As used in this section, unless the context clearly indicates otherwise, the following terms shall mean:**

(1) “Commencement of commercial operations”, shall be deemed to occur during the first calendar year for which the data storage center or server farm facility is first available for use by the operating taxpayer, or first capable of being used by the operating taxpayer, as a data storage center or server farm facility;

(2) “Constructing taxpayer”, where more than one taxpayer is responsible for a project, a taxpayer responsible for the purchase or construction of the facility, as opposed to a taxpayer responsible for the equipping and ongoing operations of the facility;

(3) “Data storage center” or “server farm facility” or “facility”, a facility purchased, constructed, extended, improved or operating under this section, provided that such business facility is engaged in:

(a) Data processing, hosting, and related services (NAICS 518210); or

(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;

(4) “Existing facility”, a data storage center or server farm facility in this state as it existed prior to August 28, 2010, as determined by the department;

(5) “Expanding facility” or “expanding data storage center or server farm facility”, an existing facility or replacement facility that expands its operations in this state on or after August 28, 2010, and has net new investment related to the expansion of operations in this state of at least one million dollars during a period of up to twelve consecutive months. An expanding facility shall continue to be an expanding facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(6) “Expanding facility project” or “expanding data storage center or server farm facility project”, the purchase, construction, extension, improvement equipping and operation of an expanding facility;

(7) “NAICS”, the 2007 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding

classification in previous and subsequent federal industry classification systems;

(8) “New facility” or “new data storage center or server farm facility”, a facility in this state meeting the following requirements:

(a) The facility is acquired by, or leased to, an operating taxpayer on or after August 28, 2010. A facility shall be deemed to have been acquired by, or leased to, an operating taxpayer on or after August 28, 2010, if the transfer of title to an operating taxpayer, the transfer of possession pursuant to a binding contract to transfer title to an operating taxpayer, or the commencement of the term of the lease to an operating taxpayer occurs on or after August 28, 2010, or, if the facility is constructed, erected or installed by or on behalf of an operating taxpayer, such construction, erection or installation is commenced on or after August 28, 2010;

(b) If such facility was acquired by an operating taxpayer from another person or persons on or after August 28, 2010, and such facility was employed prior to August 28, 2010, by any other person or persons in the operation of a data storage center or server farm facility, the facility shall not be considered a new facility;

(c) Such facility is not a replacement facility, as defined in subdivision (12) of this section;

(d) The new facility project investment is at least five million dollars during a period of up to thirty-six consecutive months. Where more than one taxpayer is responsible for a project, the investment requirement may be met by an operating taxpayer, a constructing taxpayer or a combination of constructing taxpayers and operating taxpayers; and

(e) A new facility shall continue to be a new facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(9) “New data storage center or server farm facility project” or “new facility project”, the purchase, construction, extension, improvement equipping and operation of a new facility;

(10) “Operating taxpayer”, where more than one taxpayer is responsible for a project, a taxpayer responsible for the equipping and ongoing operations of the facility, as opposed to a taxpayer responsible for the purchasing or construction of the facility;

(11) “Project taxpayers”, each constructing taxpayer and each operating taxpayer for a data storage center or server farm facility project;

(12) “Replacement facility” or “replacement data storage center or server farm facility”, a facility in this state otherwise described in subdivision (8) of this section, but which replaces another facility located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating within one year prior to the commencement of commercial operations at the new facility;

(13) “Taxpayer”, the purchaser of tangible personal property or a service that is subject to state or local sales or use tax and from whom state or local sales or use tax is owed. Taxpayer shall not mean the seller charged by law with collecting the sales tax from the purchaser.

2. Beginning August 28, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235:



**(1) All electrical energy, gas, water, and other utilities including telecommunication services used in a new data storage center or server farm facility;**

**(2) All machinery, equipment, and computers used in any new data storage center or server farm facility; and**

**(3) All sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any new data storage center or server farm facility.**

**3. Any data storage center and server farm facility project seeking a tax exemption under subsection 2 of this section shall submit a project plan to the department of economic development, including identifying each known constructing taxpayer and each known operating taxpayer for the project. The department of economic development shall determine whether the project is eligible for the exemption under subsection 2 of this section conditional upon subsequent verification by the department that the project meets the requirement in paragraph (d) of subdivision (8) of subsection 1 of this section of at least five million dollars of new facility investment over a time period not to exceed thirty-six consecutive months. The department of economic development shall convey such conditional approval to the department of revenue and the identified project taxpayers. After a conditionally approved new facility project has met the investment amount, the project taxpayers shall provide proof of such investment to the department of economic development. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption dating retroactively to the first day of the thirty-six month period or the first day of the new investment in the event the investment is met in less than thirty-six months. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of the thirty-six month period, or the first day of the new investment in the event the investment is met in less than thirty-six months, shall issue a refund of sales taxes paid as set forth in this section to each operating taxpayer and each constructing taxpayer and issue a certificate of exemption to each new project taxpayer for ongoing exemptions under subdivisions (1), (2), and (3) of subsection 2 of this section.**

**4. Beginning August 28, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235:**

**(1) All electrical energy, gas, water, and other utilities including telecommunication services used in an expanding data storage center or server farm facility which, on an annual basis, exceeds the amount of electrical energy, gas, water, and other utilities including telecommunication services used in the existing facility or the replaced facility prior to the expansion. Amount shall be measured in kilowatt hours, gallons, cubic feet or other measures applicable to a utility service as opposed to in dollars, to account for increases in rates;**

**(2) All machinery, equipment, and computers used in any expanding data storage center or server farm facility, the cost of which, on an annual basis, exceeds the average of the previous three years' expenditures on machinery, equipment, and computers at the existing facility or the replaced facility prior to the expansion. Existing facilities or replaced facilities in existence for less than three years shall have the average expenditures calculated based upon the applicable time of existence; and**

**(3) All sales at retail of the tangible personal property and materials for the purpose of constructing, repairing, or remodeling any expanding data storage center or server farm facility.**

5. Any data storage center and server farm facility project seeking a tax exemption under subsection 4 of this section shall submit an expanding project plan to the department of economic development, including identifying each known constructing taxpayer and each known operating taxpayer for the project. The project applicants shall also provide proof satisfactory to the department of economic development that the facility is an expanding facility and has net new investment related to the expansion of operations in this state of at least one million dollars during a time period not to exceed twelve consecutive months. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption. The department of revenue shall issue a certificate of exemption to each expanding project taxpayer for ongoing exemptions under subdivisions (1), (2) and (3) of subsection 4 of this section.

6. The sales tax exemptions in subsections 2 and 4 of this section shall be tied to the new or expanding facility project. A certificate of exemption in the hands of a taxpayer that is no longer an operating or constructing taxpayer of the new or expanding facility project shall be invalid as of the date the taxpayer was no longer an operating or constructing taxpayer of the new or expanding facility project. New certificates of exemption shall be issued to successor constructing taxpayers and operating taxpayers at such new or expanding facility projects. The right to the exemption by successor taxpayers shall exist without regard to subsequent levels of investment in the new or expanding facility by successor taxpayers.

7. The department of economic development and the department of revenue shall cooperate in conducting random audits to make certain the intent of this section is followed.

8. The department of economic development and the department of revenue shall jointly prescribe such rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and

Further amend said Bill, Section 144.817, Page 19, Line 18, by inserting the following after all of said Line:

“620.1910. 1. This section shall be known and may be cited as the “Manufacturing Jobs Act”.

2. As used in this section, the following terms mean:

(1) “Approval”, a document submitted by the department to the qualified manufacturing facility or qualified supplier that states the benefits that may be provided under this section;

(2) “Capital investment”, expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing facility directly related to the manufacturing of a new product;

(3) “County average wage”, the same meaning as provided under section 620.1878;

(4) “Department”, the department of economic development;

(5) “Facility”, a building or buildings located in Missouri at which the new product is manufactured;

(6) “Full-time job”, a job for which a person is compensated for an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified manufacturing company or qualified supplier offers health insurance and pays at least fifty percent of such insurance premiums;

(7) “NAICS industry classification”, the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(8) “New job”, the same meaning as provided under section 620.1878;

(9) “New product”, a new model or line of a manufactured good that has not been manufactured in Missouri by the qualified manufacturing company at any time prior to the date of the notice of intent;

(10) “Notice of intent”, a form developed by the department, completed by the qualified manufacturing company or qualified supplier and submitted to the department which states the qualified manufacturing company’s or qualified supplier’s intent to create new jobs or retain current jobs and make additional capital investment, as applicable, and request benefits under this section. The notice of intent shall specify the minimum number of such new or retained jobs and the minimum amount of such capital investment;

(11) “Private funds”, financing sources of the qualified manufacturing company for the retention or creation of jobs or capital investment which shall include equity or loans that require repayment and are from sources other than guaranteed funds directly attributed to the capital investment granted by Missouri or one or more of its local political subdivisions;

(12) “Qualified manufacturing company”, a business that: @ (a) Manufactures goods at a facility in Missouri;

(b) Derives more than ten percent of the facility’s total annual sales from goods produced at the facility which are exported outside the United States or sold to the federal government for export outside the United States or that derives more than twenty percent of total annual sales of the facility from goods produced at the facility which are exported outside the state of Missouri;

(c) Commits to make a capital investment of at least one hundred thousand dollars per retained job within no more than two years of the date the qualified manufacturing company begins to retain withholding tax pursuant to this section;

(d) Manufactures a new product or has commenced making capital improvements to the facility necessary for the manufacturing of such new product; and

(e) Continues to meet the requirements of paragraphs (a) to (d) of this subdivision for a period of at least ten years from the date of the notice of intent;

(13) “Qualified supplier”, a manufacturing company that: @ (a) Attests to the department that it derives more than ten percent of the total annual sales of the company from sales to a qualified manufacturing facility;

**(b) Adds five or more new jobs;**

**(c) Pays wages for such new jobs that are equal to or exceed the lower of the county average wage or the industry average wage for Missouri as determined by the department using NAICS industry classifications, but not lower than sixty percent of the statewide average wage; and**

**(d) Provides health insurance to employees and pays at least fifty percent of the premiums of such insurance;**

**(14) “Retained job”, the number of full-time jobs of persons employed by the qualified manufacturing company located at the project facility that existed as of the last working day of the month immediately preceding the month in which notice of intent is submitted;**

**(15) “Statewide average wage”, an amount equal to the quotient of the sum of the total gross wages paid for the corresponding four calendar quarters divided by the average annual employment for such four calendar quarters, which shall be computed using the Quarterly Census of Employment and Wages Data for all Private Ownership Businesses in Missouri, as published by the Bureau of Labor Statistics of the United States Department of Labor;**

**(16) “Total annual sales”, the denominator of the sales apportionment fraction reported on the Missouri tax return filed by the qualified manufacturing company or the qualified supplier for taxes imposed under chapter 143;**

**(17) “Withholding period”, the ten year period in which a qualified manufacturing company may receive benefits under this section;**

**(18) “Withholding tax”, the same meaning as provided under section 620.1878.**

**3. The department shall respond within thirty days to a qualified manufacturing company or a qualified supplier who provides a notice of intent with either an approval or a rejection of the notice of intent. Failure to respond on behalf of the department shall result in the notice of intent being deemed an approval for the purposes of this section.**

**4. A qualified manufacturing company may, upon the department’s approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain fifty percent of the withholding tax from full-time jobs at the facility for a period of ten years. Except as otherwise allowed under subsection 7 of this section, the commencement of the withholding period may be delayed by no more than twenty-four months after execution of the agreement at the option of the qualified manufacturing company. Such qualified manufacturing company shall be eligible for participation in the Missouri quality jobs program under sections 620.1875 to 620.1890 for any new jobs for which it does not retain withholding tax pursuant to this section, provided all qualifications for such program are met.**

**5. A qualified supplier may, upon approval of a notice of intent by the department, retain all withholding tax from new jobs for a period of three years from the date of approval of the notice of intent or for a period of five years if the supplier pays wages for the new jobs equal to or greater than one hundred twenty percent of county average wage. Notwithstanding any provision of law to the contrary, a qualified supplier that is awarded benefits under this section shall not receive any tax credit or exemption or be entitled to retain withholding under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, sections 135.900 to 135.906, sections**

135.950 to 135.970, or section 620.1881 for the same jobs.

6. Notwithstanding any other provision of this section, the maximum amount of withholding tax that may be retained by any one qualified manufacturing company pursuant to this section shall not exceed ten million dollars per calendar year. The aggregate amount of withholding tax that may be retained by all qualified manufacturing companies pursuant to this section shall not exceed fifteen million dollars per calendar year.

7. Notwithstanding any provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax credits or exemptions under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 for the jobs created or retained or capital improvement which qualified for benefits under this section. The benefits available to the qualified manufacturing company under any other state programs for which the qualified manufacturing company is eligible and which utilize withholding tax from the jobs at the facility shall first be credited to the other state program before the applicable withholding period for benefits provided under this section shall begin. These other state programs shall include, but are not limited to, the new jobs training program under sections 178.892 to 178.896, the job retention program under sections 178.760 to 178.764, the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any qualified manufacturing company also participates in the new jobs training program in sections 178.892 to 178.896, such qualified manufacturing company shall not retain any withholding tax that has already been allocated for use in the new jobs training program. Any taxpayer who is awarded benefits under this section who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any withholding taxes already retained. Subsection 5 of section 285.530 shall not apply to taxpayers awarded benefits under this program.

8. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

9. Within six months of completion of a notice of intent required under this section, the qualified manufacturing company shall enter into an agreement with the department that memorializes the contents of the notice of intent, the requirements of this section, and the consequences for failing to meet such requirements, which shall include the following:

(1) If the number of full-time jobs of the qualified manufacturing company at the facility falls below the number of full-time jobs specified within the notice of intent at any time during the withholding period, or if the amount of capital investment made by the qualified manufacturing company is not made within the two-year period provided for such investment, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs

at the facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period. In addition, the qualified manufacturing company shall repay any amounts of withholding tax retained plus interest of five percent per annum. However, in the event that such employment shortfall is due to economic conditions beyond the control of the qualified manufacturing company, the director may, at the qualified manufacturing company's request, suspend rather than terminate its privilege to retain withholding tax pursuant to this section for up to three years. Any such suspension shall extend the withholding period by the same amount of time. No more than one such suspension shall be granted to a qualified manufacturing company;

(2) If the qualified manufacturing company discontinues the manufacturing of the new product and does not replace it with a subsequent or additional new product manufactured at the facility at any time during the withholding period, the qualified manufacturing company shall immediately cease retaining any withholding tax with respect to jobs at that facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period.

10. Prior to March first each year, the department shall provide a report to the general assembly including the names of participating qualified manufacturing companies or qualified suppliers, location of facilities or suppliers, the annual amount of benefits provided, the estimated net state fiscal impact including direct and indirect new state taxes derived, and the number of new jobs created or jobs retained.

11. Under section 23.253, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

## **REPORTS OF STANDING COMMITTEES**

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HB 2111**, begs leave to report that it has considered the same and recommends that the bill do pass.

## **HOUSE BILLS ON THIRD READING**

**HB 1559**, introduced by Representative Brown (30), entitled:

An Act to repeal section 182.647, RSMo, and to enact in lieu thereof one new section relating to library

reports.

Was taken up by Senator Shields.

On motion of Senator Shields, **HB 1559** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

Senator Engler announced that photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

## PRIVILEGED MOTIONS

Senator Cunningham moved that **SCS** for **SB 630**, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senators—None

Vacancies—None

**HA 2** was taken up.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Cunningham, **SCS for SB 630**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.



On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Rupp moved that **SCS** for **SB 942**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 942**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 942

An Act to amend chapters 71 and 79, RSMo, by adding thereto two new sections relating to the annexation of property within research, development, and office park projects.

Was taken up.

Senator Rupp moved that **HCS** for **SCS** for **SB 942** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, **HCS** for **SCS** for **SB 942** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields moved that **SCS** for **SB 644**, with **HA 1**, **HA 2** and **HA 3**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

**HA 2** was taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators

Cunningham    Lembke—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

**HA 3** was taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Cunningham—1

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shields, **SCS** for **SB 644**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Cunningham	Lembke	Purgason—3
------------	--------	------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Dempsey assumed the Chair.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 741**, entitled:

An Act to repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 105.030, 105.040, 105.050, and 115.124, RSMo, and to enact in lieu thereof eleven new sections relating to qualifications for public office.

With House Amendment Nos. 1, 2 and 3.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 741, Section 115.124, Page 5, Line 25 by inserting after all of said Line the following:

**“3. Whenever an election is not held as provided in this section, the jurisdiction cancelling the election shall publish in a newspaper of general circulation within the jurisdiction information stating that the election has been cancelled and a candidate will assume the responsibilities of the office as provided by this section. The information shall include the name or names of each candidate who will assume office. The costs of publication shall be paid by the jurisdiction cancelling the election.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 741, Page 3, Section 30.080, Line 7, by inserting after all of said line the following:

**“78.090. 1.** Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall be nominated by a primary election, **except as provided in this section**, and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

**2. (1) In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.**

**(2) Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.**

**(3) Under the requirements of section 115.023, the city clerk shall notify the requisite election authority who shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk.**

**Above the names of the candidates shall appear the words “Vote for (number to be elected)”. The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 3**

Amend House Committee Substitute for Senate Bill No. 741, Page 7, Section 30.070, Line 4, by inserting after all of said line the following:

**“[115.241. Each party emblem shall be printed on the ballot above the party caption.]”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 777**, entitled:

An Act to repeal sections 408.052, 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof five new sections relating to the sale of certain financial products and plans associated with certain loan transactions, with penalty provisions for a certain section.

With House Amendment Nos. 2 and 3, House Amendment No. 1 to House Amendment No. 4 and House Amendment No. 4, as amended.

**HOUSE AMENDMENT NO. 2**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“362.111. 1. A bank or trust company may impose fees or service charges on deposit accounts; however, such fees or service charges are subject to such conditions or requirements that may be fixed by regulations pursuant to section 361.105, RSMo, by the director of the division of finance and the state banking board. Notwithstanding any law to the contrary, no such condition or requirement shall be more restrictive than the fees or service charges on deposit accounts or similar accounts permitted any federally chartered depository institution.**

**2. An agreement to operate or share an automated teller machine shall not prohibit an owner or operator of the automated teller machine from imposing, on an individual who conducts a transaction using a foreign account, an access fee or surcharge that is not otherwise prohibited under federal or state law.**

**3. As used in this section, the following terms mean:**

**(1) “Automated teller machine”, any electronic device, wherever located, through which a consumer may initiate an electronic funds transfer or may order, instruct, or authorize a financial institution to debit or credit an account and includes any machine or device which may be used to carry out electronic banking business. “Automated teller machine” does not include point of sale terminals or telephones or personal computers operated by a consumer;**

**(2) “Foreign account”, an account with a financial institution located outside the United States.”;**

and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777, Page 1, Section A, Line 3, by inserting immediately after said line the following:

339.503. As used in sections 339.500 to 339.549, the following words and phrases mean, unless the context clearly indicates otherwise:

(1) “Appraisal” or “real estate appraisal”, an objective analysis, evaluation, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis;

(2) “Appraisal assignment”, an engagement for which a person is employed or retained to act as a disinterested third party in rendering an objective appraisal;

(3) “Appraisal foundation”, the organization of the same name that was incorporated as an Illinois not-for-profit corporation on November 20, 1987, whose operative boards are the appraisal standards board and the appraiser qualifications board;

(4) “Appraisal report”, any communication, written or oral, of an appraisal. The purpose of an appraisal is immaterial, therefore valuation reports, real estate counseling reports, real estate tax counseling reports, real estate offering memoranda, mortgage banking offers, highest and best use studies, market demand and economic feasibility studies and all other reports communicating an appraisal analysis, opinion or conclusion are appraisal reports, regardless of title;

(5) “Appraisal standards board (ASB)”, the independent board of the appraisal foundation which promulgates the generally accepted standards of the appraisal profession and the uniform standards of professional appraisal practices;

(6) “Appraiser qualifications board (AQB)”, the independent board of the appraisal foundation which establishes minimum experience, education and examination criteria for state licensing of appraisers;

(7) “Boat dock”, a structure for loading and unloading boats and connecting real property to water, public or private. A boat dock is real property and has riparian rights, provided:

(a) The lender includes the boat dock as a fixture both in the lender’s deed of trust and a uniform commercial code fixture filing under section 400.9-502, RSMo;

(b) The boat dock is attached to the real property by steel cable, bar, or chain that is permanently imbedded in concrete or rock, and otherwise securely attached to the dock; and

(c) The owner of the dock has riparian rights by means of real estate rights bordering the body of water, including such rights by license, grant, or other means allowing access to the body of water, which access may be seasonal because the water may be reduced for electric power production or flood control;

**(8) “Boat slip or watercraft slip”, a defined area of water, including the riparian rights to use such area, whether by grant, lease, or license, in accordance with all applicable laws and regulations, which is a part of a boat dock serving a common interest community, including by way of example and not of limitation, condominiums and villas; and the exclusive right to such use being allocated as a limited**

**common element or being assigned to an owner of real estate in the common interest community in which the boat dock is located, whether by grant, lease, or otherwise. The rights of the real estate owner in such slip are included as collateral in any deed of trust and uniform commercial code filing of a lender, if any, taking a security interest in the owner's real estate;**

(8) "Broker price opinion", an opinion of value, prepared by a real estate licensee for a fee, that includes, but is not limited to, analysis of competing properties, comparable sold properties, recommended repairs and costs or suggested marketing techniques. A broker price opinion is not an appraisal and shall specifically state it is not an appraisal;

(9) "Certificate", the document issued by the Missouri real estate appraisers commission evidencing that the person named therein has satisfied the requirements for certification as a state-certified real estate appraiser and bearing a certificate number assigned by the commission;

(10) "Certificate holder", a person certified by the commission pursuant to the provisions of sections 339.500 to 339.549;

(11) "Certified appraisal report", an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal report represents to the public that it meets the appraisal standards defined in sections 339.500 to 339.549;

(12) "Commission", the Missouri real estate appraisers commission, created in section 339.507;

(13) "Comparative market analysis", the analysis of sales of similar recently sold properties in order to derive an indication of the probable sales price of a particular property undertaken by a licensed real estate broker or agent, for his or her principal. A comparative market analysis is not an appraisal and shall specifically state it is not an appraisal;

(14) "Disinterested third party" shall not exclude any state-certified real estate appraiser or state-licensed real estate appraiser employed or retained by any bank, savings association, credit union, mortgage banker or other lender to perform appraisal assignments, provided that the appraisal assignments are rendered with respect to loans to be extended by the bank, savings association, credit union, mortgage banker or other lender, and provided further that the state-certified real estate appraiser or state-licensed real estate appraiser is not requested or required to report a predetermined analysis or opinion of value;

(15) "License" or "licensure", a license or licensure issued pursuant to the provisions of sections 339.500 to 339.549 evidencing that the person named therein has satisfied the requirements for licensure as a state-licensed real estate appraiser and bearing a license number assigned by the commission;

(16) "Real estate", an identified parcel or tract of land, including improvements, if any;

(17) "Real estate appraiser" or "appraiser", a person who for a fee or valuable consideration develops and communicates real estate appraisals or otherwise gives an opinion of the value of real estate or any interest therein;

(18) "Real estate appraising", the practice of developing and communicating real estate appraisals;

(19) "Real property", the interests, benefits and rights inherent in the ownership of real estate;

(20) "Residential real estate", any parcel of real estate, improved or unimproved, that is primarily residential in nature and that includes or is intended to include a residential structure containing not more than four dwelling units and no other improvements except those which are typical residential improvements

that support the residential use for the location and property type. A residential unit is a condominium, town house or cooperative complex, or a planned unit development is considered to be residential real estate. Subdivisions are not considered residential real estate. Individual parcels of property located within a residential subdivision shall be considered residential property;

(21) “Specialized appraisal services”, appraisal services which do not fall within the definition of appraisal assignment. The term “specialized services” may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser is acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not specialized services;

(22) “State-certified general real estate appraiser”, a person who holds a current, valid certificate as a state-certified general real estate appraiser issued pursuant to the provisions of sections 339.500 to 339.549;

(23) “State-certified residential real estate appraiser”, a person who holds a current, valid certificate as a state-certified residential real estate appraiser issued pursuant to the provisions of sections 339.500 to 339.549;

(24) “State-licensed real estate appraiser”, a person who holds a current, valid license as a state-licensed real estate appraiser pursuant to the provisions of sections 339.500 to 339.549;

(25) “Subdivision”, a tract of land that has been divided into blocks or plots with streets, roadways, open areas and other facilities appropriate to its development as residential, commercial or industrial sites;

(26) “Temporary appraiser licensure or certification”, the issuance of a temporary license or certificate by the commission to a person licensed or certified in another state who enters this state for the purpose of completing a particular appraisal assignment.; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777, Page 3, Line 24, by inserting after all of said line the following:

“375.1152. For purposes of sections 375.570 to 375.750 and 375.1150 to 375.1246, the following words and phrases shall mean:

(1) “Allocated loss adjustment expenses”, those fees, costs or expenses reasonably chargeable to the investigation, negotiation, settlement or defense of an individual claim or loss or to the protection and perfection of the subrogation rights of any insolvent insurer arising out of a policy of insurance issued by the insolvent insurer. “Allocated loss adjustment expenses” shall include all court costs, fees and expenses; fees for service of process; fees to attorneys; costs of undercover operative and detective services; fees of independent adjusters or attorneys for investigation or adjustment of claims beyond initial investigation; costs of employing experts for preparation of maps, photographs, diagrams, chemical or physical analysis or for advice, opinion or testimony concerning claims under investigation or in litigation; costs for legal transcripts or testimony taken at coroner’s inquests, criminal or civil proceedings; costs for copies of any public records; costs of depositions and court-reported or -recorded statements. “Allocated loss adjustment expenses” shall not include the salaries of officials, administrators or other employees or normal overhead charges such as rent, postage, telephone, lighting, cleaning, heating or similar expenses;



(2) “Ancillary state”, any state other than a domiciliary state;

(3) “Creditor”, a person having any claim, whether matured or unmatured, liquidated or unliquidated, secured or unsecured, absolute, fixed or contingent;

(4) “Delinquency proceeding”, any proceeding instituted against an insurer for the purpose of liquidating, rehabilitating, reorganizing or conserving such insurer, and any summary proceeding under sections 375.1160, 375.1162 and 375.1164;

(5) “Director”, the director of the department of insurance, financial institutions and professional registration;

(6) “Doing business” includes any of the following acts, whether effected by mail or otherwise:

(a) The issuance or delivery of contracts of insurance to persons resident in this state;

(b) The solicitation of applications for such contracts, or other negotiations preliminary to the execution of such contracts;

(c) The collection of premiums, membership fees, assessments, or other consideration for such contracts;

(d) The transaction of matters subsequent to execution of such contracts and arising out of them; or

(e) Operating under a license or certificate of authority, as an insurer, issued by the department of insurance, financial institutions and professional registration;

(7) “Domiciliary state”, the state in which an insurer is incorporated or organized or, in the case of an alien insurer, its state of entry;

(8) “Fair consideration” is given for property or obligation:

(a) When in exchange for such property or obligation, as a fair equivalent thereof, and in good faith, property is conveyed or services are rendered or an obligation is incurred or an antecedent debt is satisfied; or

(b) When such property or obligation is received in good faith to secure a present advance or antecedent debt in an amount not disproportionately small as compared to the value of the property or obligation obtained;

(9) “Foreign country”, any jurisdiction not in the United States;

(10) “Formal delinquency proceeding”, any liquidation or rehabilitation proceeding;

(11) “General assets”, all property, real, personal, or otherwise, not specifically mortgaged, pledged, deposited or otherwise encumbered for the security or benefit of specified persons or classes of persons. As to specifically encumbered property, “general assets” includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured thereby. Assets held in trust and on deposit for the security or benefit of all policyholders or all policyholders and creditors, in more than a single state, shall be treated as general assets;

(12) “Guaranty association”, the Missouri property and casualty insurance guaranty association created by sections 375.771 to 375.779, as amended, the Missouri life and health insurance guaranty association created by sections 376.715 to 376.758, RSMo, as amended, and any other similar entity now or hereafter created by the laws of this state for the payment of claims of insolvent insurers. “Foreign guaranty association” means any similar entities now in existence or hereafter created by the laws of any other state;

(13) “Insolvency” or “insolvent” means:

(a) For an insurer issuing only assessable fire insurance policies:

a. The inability to pay an obligation within thirty days after it becomes payable; or

b. If an assessment be made within thirty days after such date, the inability to pay such obligation thirty days following the date specified in the first assessment notice issued after the date of loss;

(b) For any other insurer, that it is unable to pay its obligations when they are due, or when its admitted assets do not exceed its liabilities plus the greater of:

a. Any capital and surplus required by law for its organization; or

b. The total par or stated value of its authorized and issued capital stock;

(c) As to any insurer licensed to do business in this state as of August 28, 1991, which does not meet the standards established under paragraph (b) of this subdivision, the term “insolvency” or “insolvent” shall mean, for a period not to exceed three years from August 28, 1991, that it is unable to pay its obligations when they are due or that its admitted assets do not exceed its liabilities plus any required capital contribution ordered by the director under any other provisions of law;

(d) For purposes of this subdivision “liabilities” shall include but not be limited to reserves required by statute or by the department of insurance, financial institutions and professional registration regulations or specific requirements imposed by the director upon a subject company at the time of admission or subsequent thereto;

(e) For purposes of this subdivision, an obligation is payable within ninety days of the resolution of any dispute regarding the obligation;

(14) “Insurer”, any person who has done, purports to do, is doing or is licensed to do insurance business as described in section 375.1150, and is or has been subject to the authority of, or to liquidation, rehabilitation, reorganization, supervision, or conservation by, any insurance department of any state. For purposes of sections 375.1150 to 375.1246, any other persons included under section 375.1150 shall be deemed to be insurers;

(15) “**Netting agreement**”:

(a) **A contract or agreement, including terms and conditions incorporated by reference therein, including a master agreement which master agreement, together with all schedules, confirmations, definitions and addenda thereto and transactions under any thereof, shall be treated as one netting agreement, that documents one or more transactions between the parties to the agreement for or involving one or more qualified financial contracts and that provides for the netting, liquidation, setoff, termination, acceleration or close out under or in connection with one or more qualified financial contracts or present or future payment or delivery obligations or payment or delivery entitlements thereunder, including liquidation or close-out values relating to such obligations or entitlements, among the parties to the netting agreement;**

(b) **Any master agreement or bridge agreement for one or more master agreements described in paragraph (a) of this subdivision; or**

(c) **Any security agreement or arrangement or other credit enhancement or guarantee or reimbursement obligation related to any contract or agreement described in paragraph (a) or (b) of**

**this subdivision; provided that any contract or agreement described in paragraph (a) or (b) of this subdivision relating to agreements or transactions that are not qualified financial contracts shall be deemed to be a netting agreement only with respect to those agreements or transactions that are qualified financial contracts;**

**(16) “Preferred claim”, any claim with respect to which the terms of sections 375.1150 to 375.1246 accord priority of payment from the general assets of the insurer;**

**(17) “Qualified financial contract”, any commodity contract, forward contract, repurchase agreement, securities contract, swap agreement, and any similar agreement that the director determines by regulation, resolution, or order to be a qualified financial contract for the purposes of sections 375.1150 to 375.1246;**

**(a) “Commodity contract”, shall mean:**

**a. A contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a board of trade or contract market under the Commodity Exchange Act, 7 U.S.C. Section 1, et seq., or a board of trade outside the United States;**

**b. An agreement that is subject to regulation under Section 19 of the Commodity Exchange Act, 7 U.S.C. Section 1, et seq., and that is commonly known to the commodities trade as a margin account, margin contract, leverage account, or leverage contract;**

**c. An agreement or transaction that is subject to regulation under Section 4c(b) of the Commodity Exchange Act, 7 U.S.C. Section 1, et seq., and that is commonly known to the commodities trade as a commodity option;**

**d. Any combination of the agreements or transactions referred to in this paragraph; or**

**e. Any option to enter into an agreement or transaction referred to in this paragraph;**

**(b) “Forward contract”, “repurchase agreement”, “securities contract”, and “swap agreement” shall have the meaning set forth in the Federal Deposit Insurance Act, 12 U.S.C. Section 1821(e)(8)(D), as amended;**

**[(16)] (18) “Receiver”, a receiver, liquidator, administrative supervisor, rehabilitator or conservator, as the context requires;**

**[(17)] (19) “Reciprocal state”, any state other than this state in which in substance and effect, provisions substantially similar to subsection 1 of section 375.1176 and sections 375.1235, 375.1236, 375.1240, 375.1242 and 375.1244 have been enacted and are in force, and in which laws are in force requiring that the director of the state department of insurance, financial institutions and professional registration or equivalent official be the receiver of a delinquent insurer, and in which some provision exists for the avoidance of fraudulent conveyances and preferential transfers;**

**[(18)] (20) “Secured claim”, any claim secured by mortgage, trust deed, pledge, deposit as security, escrow, or otherwise, including a pledge of assets allocated to a separate account established pursuant to section 376.309, RSMo; but not including special deposit claims or claims against general assets. The term also includes claims which have become liens upon specific deposit claims or claims against general assets. The term also includes claims which have become liens upon specific assets by reason of judicial process;**

**[(19)] (21) “Special deposit claim”, any claim secured by a deposit made pursuant to statute for the**

security or benefit of a limited class or classes of persons, but not including any claim secured by general assets;

[(20)] **(22)** “State”, any state, district, or territory of the United States and the Panama Canal Zone;

[(21)] **(23)** “Transfer” shall include the sale and every other and different mode, direct or indirect, of disposing of or of parting with property or with an interest therein, or with the possession thereof, or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily, by or without judicial proceedings. The retention of a security title to property delivered to a debtor shall be deemed a transfer suffered by the debtor.

375.1155. 1. Any receiver appointed in a proceeding under sections 375.1150 to 375.1246 may at any time apply for, and any court of general jurisdiction may grant, such restraining orders, preliminary and permanent injunctions, and other orders as may be deemed necessary and proper to prevent:

- (1) The transaction of further business;
- (2) The transfer of property;
- (3) Interference with the receiver or with a proceeding under sections 375.1150 to 375.1246;
- (4) Waste of the insurer’s assets;
- (5) Dissipation and transfer of bank accounts;
- (6) The institution or further prosecution of any actions or proceedings;
- (7) The obtaining of preferences, judgments, attachments, garnishments or liens against the insurer, its assets or its policyholders;
- (8) The levying of execution against the insurer, its assets or its policyholders;
- (9) The making of any sale or deed for nonpayment of taxes or assessments that would lessen the value of the assets of the insurer;
- (10) The withholding from the receiver of books, accounts, documents, or other records relating to the business of the insurer; or
- (11) Any other threatened or contemplated action that might lessen the value of the insurer’s assets or prejudice the rights of policyholders, creditors or shareholders, or the administration of any proceeding under this act.

2. The receiver may apply to any court outside of the state for the relief described in subsection 1 of this section.

**3. Notwithstanding anything to the contrary in this section, the commencement of a delinquency proceeding under sections 375.1150 to 375.1246 shall not operate as a stay or prohibition of any right to cause the netting, liquidation, setoff, termination, acceleration, or close out of obligations, or enforcement of any security agreement or arrangement or other credit enhancement or guarantee or reimbursement obligation, under or in connection with any netting agreement or qualified financial contract as provided for in section 375.1191.**

**375.1191. 1. Notwithstanding any other provision of sections 375.1150 to 375.1246, including any other provision of sections 375.1150 to 375.1246 permitting the modification of contracts, or other law of a state, no person shall be stayed or prohibited from exercising:**

**(1) A contractual right to cause the termination, liquidation, acceleration, or close out of obligations under or in connection with any netting agreement or qualified financial contract with an insurer because of:**

**(a) The insolvency, financial condition, or default of the insurer at any time, provided that the right is enforceable under applicable law other than sections 375.1150 to 375.1246; or**

**(b) The commencement of a formal delinquency proceeding under sections 375.1150 to 375.1246;**

**(2) Any right under a pledge, security, collateral, reimbursement, or guarantee agreement or arrangement or any other similar security arrangement or arrangement or other credit enhancement relating to one or more netting agreements or qualified financial contracts;**

**(3) Subject to any provision of section 375.1198, any right to set off or net out any termination value, payment amount, or other transfer obligation arising under or in connection with one or more qualified financial contracts where the counterparty or its guarantor is organized under the laws of the United States or a state or a foreign jurisdiction approved by the Securities Valuation Office (SVO) of the NAIC as eligible for netting; or**

**(4) If a counterparty to a master netting agreement or a qualified financial contract with an insurer subject to a proceeding under sections 375.1150 to 375.1246 terminates, liquidates, closes out, or accelerates the agreement or contract, damages shall be measured as of the date or dates of termination, liquidation, close out, or acceleration. The amount of a claim for damages shall be actual direct compensatory damages calculated in accordance with subsection 6 of this section.**

**2. Upon termination of a netting agreement or qualified financial contract, the net or settlement amount, if any, owed by a nondefaulting party to an insurer against which an application or petition has been filed under sections 375.1150 to 375.1246 shall be transferred to or on the order of the receiver for the insurer, even if the insurer is the defaulting party, notwithstanding any walkaway clause in the netting agreement or qualified financial contract. For purposes of this subsection, the term “walkaway clause” means a provision in a netting agreement or a qualified financial contract that, after calculation of a value of a party’s position or an amount due to or from one of the parties in accordance with its terms upon termination, liquidation, or acceleration of the netting agreement or qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the party’s status as a nondefaulting party. Any limited two-way payment or first method provision in a netting agreement or qualified financial contract with an insurer that has defaulted shall be deemed to be a full two-way payment or second method provision as against the defaulting insurer. Any such property or amount shall, except to the extent it is subject to one or more secondary liens or encumbrances or rights of netting or setoff, be a general asset of the insurer.**

**3. In making any transfer of a netting agreement or qualified financial contract of an insurer subject to a proceeding under sections 375.1150 to 375.1246, the receiver shall either:**

**(1) Transfer to one party, other than an insurer subject to a proceeding under sections 375.1150 to 375.1246, all netting agreements and qualified financial contracts between a counterparty or any affiliate of the counterparty and the insurer that is the subject of the proceeding, including:**

**(a) All rights and obligations of each party under each netting agreement and qualified financial contract; and**

(b) All property, including any guarantees or other credit enhancement, securing any claims of each party under each netting agreement and qualified financial contract; or

(2) Transfer none of the netting agreements, qualified financial contracts, rights, obligations or property referred to in subdivision (1) of this subsection, with respect to the counterparty and any affiliate of the counterparty.

4. If a receiver for an insurer makes a transfer of one or more netting agreements or qualified financial contracts, then the receiver shall use its best efforts to notify any person who is party to the netting agreements or qualified financial contracts of the transfer by 12:00 noon, the receiver's local time, on the business day following the transfer. For purposes of this subsection, "business day" means a day other than a Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

5. Notwithstanding any other provision of sections 375.1150 to 375.1246, a receiver may not avoid a transfer of money or other property arising under or in connection with a netting agreement or qualified financial contract, or any pledge, security, collateral or guarantee agreement or any other similar security arrangement or credit support document relating to a netting agreement or qualified financial contract, that is made before the commencement of a formal delinquency proceeding under sections 375.1150 to 375.1246. However, a transfer may be avoided pursuant to section 375.1192 if the transfer was made with actual intent to hinder, delay or defraud the insurer, a receiver appointed for the insurer, or existing or future creditors.

6. (1) In exercising the rights of disaffirmance or repudiation of a receiver with respect to any netting agreement or qualified financial contract to which an insurer is a party, the receiver for the insurer shall either:

(a) Disaffirm or repudiate all netting agreements and qualified financial contracts between a counterparty or any affiliate of the counterparty and the insurer that is the subject of the proceeding; or

(b) Disaffirm or repudiate none of the netting agreements and qualified financial contracts referred to in paragraph (a) of this subdivision, with respect to the person or any affiliate of the person.

(2) Notwithstanding any other provision of sections 375.1150 to 375.1246, any claim of a counterparty against the estate arising from the receiver's disaffirmance or repudiation of a netting agreement or qualified financial contract that has not been previously affirmed in the liquidation or immediately preceding conservation or rehabilitation case shall be determined and shall be allowed or disallowed as if the claim had arisen before the date of the filing of the petition for liquidation or, if a conservation or rehabilitation proceeding is converted to a liquidation proceeding, as if the claim had arisen before the date of the filing of the petition for conservation or rehabilitation. The amount of the claim shall be the actual direct compensatory damages determined as of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract. The term "actual direct compensatory damages" does not include punitive or exemplary damages, damages for lost profit or lost opportunity or damages for pain and suffering, but does include normal and reasonable costs of cover or other reasonable measures of damages utilized in the derivatives, securities or other market for the contract and agreement claims.

7. The term “contractual right” as used in this section includes any right set forth in a rule or bylaw of a derivatives clearing organization, as defined in the Commodity Exchange Act, a multilateral clearing organization, as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991, a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade, as defined in the Commodity Exchange Act, or in a resolution of the governing board thereof and any right, whether or not evidenced in writing, arising under statutory or common law, or under law merchant, or by reason of normal business practice.

8. The provisions of this section shall not apply to persons who are affiliates of the insurer that is the subject of the proceeding.

9. All rights of counterparties under sections 375.1150 to 375.1246 shall apply to netting agreements and qualified financial contracts entered into on behalf of the general account or separate accounts if the assets of each separate account are available only to counterparties to netting agreements and qualified financial contracts entered into on behalf of that separate account.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777, Page 1, Section A, Line 3, by inserting after all of said line the following:

“375.539. 1. The director of the department of insurance, financial institutions and professional registration may deem an insurance company to be in such financial condition that its further transaction of business would be hazardous to policyholders, creditors, and the public, if such company is a property or casualty insurer, or both a property and casualty insurer, which has in force any policy with any single net retained risk larger than ten percent of that company’s capital and surplus as of the December thirty-first next preceding.

2. The following standards, either singly or a combination of two or more, may be considered by the director to determine whether the continued operation of any insurer transacting an insurance business in this state might be deemed to be hazardous to its policyholders, creditors, or the general public:

(1) Adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports, or summaries;

(2) The National Association of Insurance Commissioners Insurance Regulatory Information System and its other financial analysis solvency tools and reports;

(3) Whether the insurer has made adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the insurer, when considered in light of the assets held by the insurer with respect to such reserves and related actuarial items including, but not limited to, the investment earnings on such assets, and the considerations anticipated to be received and retained under such policies and contracts;

(4) The ability of an assuming reinsurer to perform and whether the insurer’s reinsurance

**program provides sufficient protection for the insurer's remaining surplus after taking into account the insurer's cash flow and the classes of business written as well as the financial condition of the assuming reinsurer;**

**(5) Whether the insurer's operating loss in the last twelve-month period or any shorter period of time, including but not limited to net capital gain or loss, change in non-admitted assets, and cash dividends paid to shareholders, is greater than fifty percent of the insurer's remaining surplus as regards to policyholders in excess of the minimum required;**

**(6) Whether the insurer's operating loss in the last twelve-month period or any shorter period of time, excluding net capital gains, is greater than twenty percent of the insurer's remaining surplus as regards to policyholders in excess of the minimum required;**

**(7) Whether a reinsurer, obligor, or any entity within the insurer's insurance holding company system, is insolvent, threatened with insolvency or delinquent in payment of its monetary or other obligations, and which in the opinion of the director may affect the solvency of the insurer;**

**(8) Contingent liabilities, pledges, or guaranties which either individually or collectively involve a total amount which in the opinion of the director may affect the solvency of the insurer;**

**(9) Whether any "controlling" person of an insurer is delinquent in the transmitting to, or payment of, net premiums to the insurer. As used in this subdivision, the term "controlling" shall have the same meaning assigned to it in subdivision (2) of section 382.010;**

**(10) The age and collectibility of receivables;**

**(11) Whether the management of an insurer, including officers, directors, or any other person who directly or indirectly controls the operation of the insurer, fails to possess and demonstrate the competence, fitness, and reputation deemed necessary to serve the insurer in such position;**

**(12) Whether management of an insurer has failed to respond to inquiries relative to the condition of the insurer or has furnished false and misleading information concerning an inquiry;**

**(13) Whether the insurer has failed to meet financial and holding company filing requirements in the absence of a reason satisfactory to the director;**

**(14) Whether management of an insurer either has filed any false or misleading sworn financial statement, or has released false or misleading financial statement to lending institutions or to the general public, or has made a false or misleading entry, or has omitted an entry of material amount in the books of the insurer;**

**(15) Whether the insurer has grown so rapidly and to such an extent that it lacks adequate financial and administrative capacity to meet its obligations in a timely manner;**

**(16) Whether the insurer has experienced or will experience in the foreseeable future cash flow or liquidity problems;**

**(17) Whether management has established reserves that do not comply with minimum standards established by state insurance laws, regulations, statutory accounting standards, sound actuarial principles and standards of practice;**

**(18) Whether management persistently engages in material under reserving that results in adverse development;**



**(19) Whether transactions among affiliates, subsidiaries, or controlling persons for which the insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity, or diversity to assure the insurer's ability to meet its outstanding obligations as they mature;**

**(20) Any other finding determined by the director to be hazardous to the insurer's policyholders, creditors, or general public.**

**3. For the purposes of making a determination of an insurer's financial condition under this section, the director may:**

**(1) Disregard any credit or amount receivable resulting from transactions with a reinsurer that is insolvent, impaired, or otherwise subject to a delinquency proceeding;**

**(2) Make appropriate adjustments including disallowance to asset values attributable to investments in or transactions with parents, subsidiaries, or affiliates consistent with the National Association of Insurance Commissioners Accounting Policies and Procedures Manual, state laws and regulations;**

**(3) Refuse to recognize the stated value of accounts receivable if the ability to collect receivables is highly speculative in view of the age of the account or the financial condition of the debtor;**

**(4) Increase the insurer's liability in an amount equal to any contingent liability, pledge, or guarantee not otherwise included if there is a substantial risk that the insurer will be called upon to meet the obligation undertaken within the next twelve-month period.**

**4. If the director determines that the continued operation of the insurer licensed to transact business in this state may be hazardous to its policyholders, creditors, or the general public, then the director may, to the extent authorized by law and in accordance with any procedures required by law, issue an order requiring the insurer to:**

**(1) Reduce the total amount of present and potential liability for policy benefits by reinsurance;**

**(2) Reduce, suspend, or limit the volume of business being accepted or renewed;**

**(3) Reduce general insurance and commission expenses by specified methods;**

**(4) Increase the insurer's capital and surplus;**

**(5) Suspend or limit the declaration and payment of dividend by an insurer to its stockholders or to its policyholders;**

**(6) File reports in a form acceptable to the director concerning the market value of an insurer's assets;**

**(7) Limit or withdraw from certain investments or discontinue certain investment practices to the extent the director deems necessary;**

**(8) Document the adequacy of premium rates in relation to the risks insured;**

**(9) File, in addition to regular annual statements, interim financial reports on the form adopted by the National Association of Insurance Commissioners or in such format as promulgated by the director;**

**(10) Correct corporate governance practice deficiencies, and adopt and utilize governance practices acceptable to the director;**

**(11) Provide a business plan to the director in order to continue to transact business in the state;**

**(12) Notwithstanding any other provision of law limiting the frequency or amount of premium rate adjustments, adjust rates for any non-life insurance product written by the insurer that the director considers necessary to improve the financial condition of the insurer.**

**5. An insurer subject to an order under subsection 4 of this section may request a hearing before the director in accordance with the provisions of chapter 536. The notice of hearing shall be served upon the insurer pursuant to section 536.067. The notice of hearing shall state the time and place of hearing and the conduct, condition, or ground upon which the director based the order. Unless mutually agreed between the director and the insurer, the hearing shall occur not less than ten days nor more than thirty days after notice is served and shall be either in Cole County or in some other place convenient to the parties designated by the director. The director shall hold all hearings under this subsection privately, unless the insurer requests a public hearing, in which case the hearing shall be public.**

**6. This section shall not be interpreted to limit the powers granted the director by any laws or parts of laws of this state, nor shall this section be interpreted to supercede any laws or parts of laws of this state, except that if the insurer is a foreign insurer, the director's order under subsection 4 of this section may be limited to the extent expressly provided by any laws or parts of laws of this state.**

375.1255. 1. "Company action level event" means with respect to any insurer, any of the following events:

(1) The filing of an RBC report by the insurer which indicates that:

(a) The insurer's total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC; or

(b) If a life and health insurer, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level capital and 2.5, and has a negative trend;

**(c) If a property and casualty insurer, the insurer has total adjusted capital which is greater than or equal to its Company Action Level RBC but less than the product of its Authorized Control Level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the Property and Casualty RBC report instructions;**

(2) The notification by the director to the insurer of an adjusted RBC report that indicates the event in paragraph (a) [or], (b), **or (c)** of subdivision (1) of this subsection, if the insurer does not challenge the adjusted RBC report pursuant to section 375.1265;

(3) If pursuant to section 375.1265 the insurer challenges an adjusted RBC report that indicates the event described in subdivision (1) of this subsection, the notification by the director to the insurer that the director has, after a hearing, rejected the insurer's challenge.

2. In the event of a company action level event the insurer shall prepare and submit to the director an RBC plan which shall:

(1) Identify the conditions in the insurer which contribute to the company action level event;

(2) Contain proposals of corrective actions which the insurer intends to take and would be expected to

result in the elimination of the company action level event;

(3) Provide projections of the insurer's financial results in the current year and at least the four succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital or surplus. The projections for both new and renewal business might include separate projections for each major line of business and separately identify each significant income, expense and benefit component;

(4) Identify the key assumptions impacting the insurer's projections and the sensitivity of the projections to the assumptions; and

(5) Identify the quality of, and problems associated with, the insurer's business, including but not limited to its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business and use of reinsurance in each case, if any.

3. The RBC plan shall be submitted:

(1) Within forty-five days of the company action level event; or

(2) If the insurer challenges an adjusted RBC report pursuant to section 375.1265 within forty-five days after notification to the insurer that the director has, after a hearing, rejected the insurer's challenge.

4. Within sixty days after the submission by an insurer of an RBC plan to the director, the director shall notify the insurer whether the RBC plan shall be implemented or is, in the judgment of the director, unsatisfactory. If the director determines the RBC plan is unsatisfactory, the notification to the insurer shall set forth the reasons for the determination, and may set forth proposed revisions which will render the RBC plan satisfactory, in the judgment of the director. Upon notification from the director, the insurer shall prepare a revised RBC plan, which may incorporate by reference any revisions proposed by the director, and shall submit the revised RBC plan to the director:

(1) Within forty-five days after the notification from the director; or

(2) If the insurer challenges the notification from the director pursuant to section 375.1265, within forty-five days after a notification to the insurer that the director has, after a hearing, rejected the insurer's challenge.

5. In the event of a notification by the director to an insurer that the insurer's RBC plan or revised RBC plan is unsatisfactory, the director may at the director's discretion, subject to the insurer's right to a hearing under section 375.1265, specify in the notification that the notification constitutes a regulatory action level event.

6. Every domestic insurer that files an RBC plan or revised RBC plan with the director shall file a copy of the RBC plan or revised RBC plan with the chief insurance regulatory official in any state in which the insurer is authorized to do business if:

(1) Such state has an RBC provision, substantially similar to subsection 1 of section 375.1267; and

(2) The chief insurance regulatory official of that state has notified the insurer of its request for the filing in writing, in which case the insurer shall file a copy of the RBC plan or revised RBC plan in that state no later than the later of:

(a) Fifteen days after the receipt of notice to file a copy of its RBC plan or revised RBC plan with the state; or

(b) The date on which the RBC plan or revised RBC plan is filed under subsection 3 or 4 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 583**, entitled:

An Act to repeal sections 301.560, 303.025, 303.040, 354.442, 375.1152, 375.1155, 375.1175, 375.1255, 376.717, 376.718, 376.724, 376.725, 376.732, 376.733, 376.734, 376.735, 376.737, 376.738, 376.740, 376.743, 376.758, 376.816, 376.1109, 376.1450, 452.430, 454.515, and 525.233, RSMo, and to enact in lieu thereof forty-two new sections relating to insurance regulation, with penalty provisions and an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4 and 5.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 56, Section 376.882, Line 7, by deleting the word, “**verbal**,”; and

Further amend said bill, Page 58, Section 376.1109, Line 81, by deleting the word, “**verbal**,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 583, Pages 65 and 66, Sections 452.430, 454.515 and 525.233, by removing all of said sections from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 1, Section A, Line 9, by inserting after all of said line the following:

“208.215. 1. MO HealthNet is payer of last resort unless otherwise specified by law. When any person, corporation, institution, public agency or private agency is liable, either pursuant to contract or otherwise, to a participant receiving public assistance on account of personal injury to or disability or disease or benefits arising from a health insurance plan to which the participant may be entitled, payments made by the department of social services or MO HealthNet division shall be a debt due the state and recoverable from the liable party or participant for all payments made [in] **on** behalf of the participant and the debt due the state shall not exceed the payments made from MO HealthNet benefits provided under sections 208.151 to 208.158 and section 208.162 and section 208.204 on behalf of the participant, minor or estate for payments on account of the injury, disease, or disability or benefits arising from a health insurance program to which the participant may be entitled. **Any health benefit plan as defined in section 376.1350, third party administrator, administrative service organization, and pharmacy benefits manager, shall process and pay all properly submitted medical assistance subrogation claims or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms:**

**(1) For a period of three years from the date services were provided or rendered; however, an entity:**

**(a) Shall not be required to reimburse for items or services which are not covered under MO HealthNet;**

**(b) Shall not deny a claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to provide prior authorization;**

**(c) Shall not be required to reimburse for items or services for which a claim was previously submitted to the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager by the health care provider or the participant and the claim was properly denied by the health benefit plan, third party administrator, administrative service organization, or pharmacy benefits manager for procedural reasons, except for timely filing, type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;**

**(d) Shall not be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim for subrogation has been filed; and**

**(e) Shall reimburse for items or services to the same extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it had been properly billed at the point of sale; and**

**(2) If any action by the state to enforce its rights with respect to such claim is commenced within six years of the state's submission of such claim.**

2. The department of social services, MO HealthNet division, or its contractor may maintain an appropriate action to recover funds paid by the department of social services or MO HealthNet division or its contractor that are due under this section in the name of the state of Missouri against the person, corporation, institution, public agency, or private agency liable to the participant, minor or estate.

3. Any participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death who pursues legal rights against a person, corporation, institution, public agency, or private agency liable to that participant or minor for injuries, disease or disability or benefits arising from a health insurance plan to which the participant may be entitled as outlined in subsection 1 of this section shall upon actual knowledge that the department of social services or MO HealthNet division has paid MO HealthNet benefits as defined by this chapter promptly notify the MO HealthNet division as to the pursuit of such legal rights.

4. Every applicant or participant by application assigns his right to the department of social services or MO HealthNet division of any funds recovered or expected to be recovered to the extent provided for in this section. All applicants and participants, including a person authorized by the probate code, shall cooperate with the department of social services, MO HealthNet division in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for MO HealthNet benefits as provided in sections 208.151 to 208.159 and sections 208.162 and 208.204. All applicants and participants shall cooperate with the agency in obtaining third-party resources due to the applicant, participant, or child for whom assistance is claimed. Failure to cooperate

without good cause as determined by the department of social services, MO HealthNet division in accordance with federally prescribed standards shall render the applicant or participant ineligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204. A [recipient] **participant** who has notice or who has actual knowledge of the department's rights to third-party benefits who receives any third-party benefit or proceeds for a covered illness or injury is either required to pay the division within sixty days after receipt of settlement proceeds the full amount of the third-party benefits up to the total MO HealthNet benefits provided or to place the full amount of the third-party benefits in a trust account for the benefit of the division pending judicial or administrative determination of the division's right to third-party benefits.

5. Every person, corporation or partnership who acts for or on behalf of a person who is or was eligible for MO HealthNet benefits under sections 208.151 to 208.159 and sections 208.162 and 208.204 for purposes of pursuing the applicant's or participant's claim which accrued as a result of a nonoccupational or nonwork-related incident or occurrence resulting in the payment of MO HealthNet benefits shall notify the MO HealthNet division upon agreeing to assist such person and further shall notify the MO HealthNet division of any institution of a proceeding, settlement or the results of the pursuit of the claim and give thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or participant to recover damages for such injuries, disease, or disability, or benefits arising from a health insurance program to which the participant may be entitled.

6. Every participant, minor, guardian, conservator, personal representative, estate, including persons entitled under section 537.080, RSMo, to bring an action for wrongful death, or his attorney or legal representative shall promptly notify the MO HealthNet division of any recovery from a third party and shall immediately reimburse the department of social services, MO HealthNet division, or its contractor from the proceeds of any settlement, judgment, or other recovery in any action or claim initiated against any such third party. A judgment, award, or settlement in an action by a [recipient] **participant** to recover damages for injuries or other third-party benefits in which the division has an interest may not be satisfied without first giving the division notice and a reasonable opportunity to file and satisfy the claim or proceed with any action as otherwise permitted by law.

7. The department of social services, MO HealthNet division or its contractor shall have a right to recover the amount of payments made to a provider under this chapter because of an injury, disease, or disability, or benefits arising from a health insurance plan to which the participant may be entitled for which a third party is or may be liable in contract, tort or otherwise under law or equity. Upon request by the MO HealthNet division, all third-party payers shall provide the MO HealthNet division with information contained in a 270/271 Health Care Eligibility Benefits Inquiry and Response standard transaction mandated under the federal Health Insurance Portability and Accountability Act, except that third-party payers shall not include accident-only, specified disease, disability income, hospital indemnity, or other fixed indemnity insurance policies.

8. The department of social services or MO HealthNet division shall have a lien upon any moneys to be paid by any insurance company or similar business enterprise, person, corporation, institution, public agency or private agency in settlement or satisfaction of a judgment on any claim for injuries or disability or disease benefits arising from a health insurance program to which the participant may be entitled which resulted in medical expenses for which the department or MO HealthNet division made payment. This lien shall also be applicable to any moneys which may come into the possession of any attorney who is handling the claim for injuries, or disability or disease or benefits arising from a health insurance plan to which the

participant may be entitled which resulted in payments made by the department or MO HealthNet division. In each case, a lien notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or participant has a claim, demand or cause of action. The lien shall claim the charge and describe the interest the department or MO HealthNet division has in the claim, demand or cause of action. The lien shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

9. On petition filed by the department, or by the participant, or by the defendant, the court, on written notice of all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the department has charge. The court may determine what portion of the recovery shall be paid to the department against the recovery. In making this determination the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) The amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the participant incident to the recovery; and whether the department should, as a matter of fairness and equity, bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) The amount, if any, of the attorney's fees and other costs incurred by the participant incident to the recovery and paid by the participant up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) The total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the participant, by insurance provided by the participant, and by the department, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) Whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the participant;

(5) The age of the participant and of persons dependent for support upon the participant, the nature and permanency of the participant's injuries as they affect not only the future employability and education of the participant but also the reasonably necessary and foreseeable future material, maintenance, medical rehabilitative and training needs of the participant, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) The realistic ability of the participant to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

10. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party

seeking such reduction. **The computerized records of the MO HealthNet division, certified by the director or his designee, shall be prima facie evidence of proof of moneys expended and the amount of the debt due the state.**

11. The court may reduce and apportion the department's or MO HealthNet division's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The department or MO HealthNet division shall pay its pro rata share of the attorney's fees based on the department's or MO HealthNet division's lien as it compares to the total settlement agreed upon. This section shall not affect the priority of an attorney's lien under section 484.140, RSMo. The charges of the department or MO HealthNet division or contractor described in this section, however, shall take priority over all other liens and charges existing under the laws of the state of Missouri with the exception of the attorney's lien under such statute.

12. Whenever the department of social services or MO HealthNet division has a statutory charge under this section against a recovery for damages incurred by a participant because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, [irrespective] **regardless** of whether [or not] an action based on participant's claim has been filed in court. Nothing herein shall prohibit the director from entering into a compromise agreement with any participant, after consideration of the factors in subsections 9 to 13 of this section.

13. This section shall be inapplicable to any claim, demand or cause of action arising under the workers' compensation act, chapter 287, RSMo. From funds recovered pursuant to this section the federal government shall be paid a portion thereof equal to the proportionate part originally provided by the federal government to pay for MO HealthNet benefits to the participant or minor involved. The department or MO HealthNet division shall enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on permanently institutionalized individuals. The department or MO HealthNet division shall have the right to enforce TEFRA liens, 42 U.S.C. 1396p, as authorized by federal law and regulation on all other institutionalized individuals. For the purposes of this subsection, "permanently institutionalized individuals" includes those people who the department or MO HealthNet division determines cannot reasonably be expected to be discharged and return home, and "property" includes the homestead and all other personal and real property in which the participant has sole legal interest or a legal interest based upon co-ownership of the property which is the result of a transfer of property for less than the fair market value within thirty months prior to the participant's entering the nursing facility. The following provisions shall apply to such liens:

(1) The lien shall be for the debt due the state for MO HealthNet benefits paid or to be paid on behalf of a participant. The amount of the lien shall be for the full amount due the state at the time the lien is enforced;

(2) The MO HealthNet division shall file for record, with the recorder of deeds of the county in which any real property of the participant is situated, a written notice of the lien. The notice of lien shall contain the name of the participant and a description of the real estate. The recorder shall note the time of receiving such notice, and shall record and index the notice of lien in the same manner as deeds of real estate are required to be recorded and indexed. The director or the director's designee may release or discharge all or part of the lien and notice of the release shall also be filed with the recorder. The department of social services, MO HealthNet division, shall provide payment to the recorder of deeds the fees set for similar



filings in connection with the filing of a lien and any other necessary documents;

(3) No such lien may be imposed against the property of any individual prior to the individual's death on account of MO HealthNet benefits paid except:

(a) In the case of the real property of an individual:

a. Who is an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution, to spend for costs of medical care all but a minimal amount of his or her income required for personal needs; and

b. With respect to whom the director of the MO HealthNet division or the director's designee determines, after notice and opportunity for hearing, that he cannot reasonably be expected to be discharged from the medical institution and to return home. The hearing, if requested, shall proceed under the provisions of chapter 536, RSMo, before a hearing officer designated by the director of the MO HealthNet division; or

(b) Pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual;

(4) No lien may be imposed under paragraph (b) of subdivision (3) of this subsection on such individual's home if one or more of the following persons is lawfully residing in such home:

(a) The spouse of such individual;

(b) Such individual's child who is under twenty-one years of age, or is blind or permanently and totally disabled; or

(c) A sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution;

(5) Any lien imposed with respect to an individual pursuant to subparagraph b of paragraph (a) of subdivision (3) of this subsection shall dissolve upon that individual's discharge from the medical institution and return home.

14. The debt due the state provided by this section is subordinate to the lien provided by section 484.130, RSMo, or section 484.140, RSMo, relating to an attorney's lien and to the participant's expenses of the claim against the third party.

15. Application for and acceptance of MO HealthNet benefits under this chapter shall constitute an assignment to the department of social services or MO HealthNet division of any rights to support for the purpose of medical care as determined by a court or administrative order and of any other rights to payment for medical care.

16. All participants receiving benefits as defined in this chapter shall cooperate with the state by reporting to the family support division or the MO HealthNet division, within thirty days, any occurrences where an injury to their persons or to a member of a household who receives MO HealthNet benefits is sustained, on such form or forms as provided by the family support division or MO HealthNet division.

17. If a person fails to comply with the provision of any judicial or administrative decree or temporary order requiring that person to maintain medical insurance on or be responsible for medical expenses for a

dependent child, spouse, or ex-spouse, in addition to other remedies available, that person shall be liable to the state for the entire cost of the medical care provided pursuant to eligibility under any public assistance program on behalf of that dependent child, spouse, or ex-spouse during the period for which the required medical care was provided. Where a duty of support exists and no judicial or administrative decree or temporary order for support has been entered, the person owing the duty of support shall be liable to the state for the entire cost of the medical care provided on behalf of the dependent child or spouse to whom the duty of support is owed.

18. The department director or the director's designee may compromise, settle or waive any such claim in whole or in part in the interest of the MO HealthNet program. Notwithstanding any provision in this section to the contrary, the department of social services, MO HealthNet division is not required to seek reimbursement from a liable third party on claims for which the amount it reasonably expects to recover will be less than the cost of recovery or for which recovery efforts will not be cost-effective. Cost-effectiveness is determined based on the following:

- (1) Actual and legal issues of liability as may exist between the [recipient] **participant** and the liable party;
- (2) Total funds available for settlement; and
- (3) An estimate of the cost to the division of pursuing its claim.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 583, Pages 10 to 22, Sections 337.300, 337.305, 337.310, 337.315, 337.320, 337.325, 337.330, 337.335, 337.340, and 337.345, by deleting all of said sections from the bill; and

Further amend said bill, Pages 58 to 65, Section 376.1224, by deleting all of said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 36, Section 375.1175, Line 28, by inserting after all of said line the following:

**“375.1191. 1. Notwithstanding any other provision of sections 375.1150 to 375.1246, including any provision permitting the modification of contracts, or other law of a state, no person shall be stayed or prohibited from exercising:**

**(1) A contractual right to cause the termination, liquidation, or acceleration or close out of obligations under or in connection with any netting agreement or qualified financial contract with an insurer because of:**

**(a) The insolvency, financial condition, or default of the insurer at any time; provided that the right is enforceable under applicable law other than sections 375.1150 to 375.1246; or**

**(b) The commencement of a formal delinquency proceeding under sections 375.1150 to 375.1246;**

**(2) Any right under a pledge, security, collateral, reimbursement, or guarantee agreement or arrangement or any similar security agreement or arrangement or other credit enhancement relating**

to one or more netting agreements or qualified financial contracts;

(3) Subject to any provision of section 375.1198, any right to set off or net out any termination value, payment amount, or other transfer obligation arising under or in connection with one or more qualified financial contracts where the counterparty or its guarantor is organized under the laws of the United States or a foreign jurisdiction approved by the Securities Valuation Office (SVO) of the NAIC as eligible for netting; or

(4) If a counterparty to a master netting agreement or qualified financial contract with an insurer subject to a proceeding under sections 375.1150 to 375.1246 terminates, liquidates, closes out, or accelerates the agreement or contract, damages shall be measured as of the date or dates of termination, liquidation, close out, or acceleration. The amount of a claim for damages shall be actual direct compensatory damages calculated in accordance with subsection 6 of this section.

2. (1) Upon termination of a netting agreement or qualified financial contract, the net or settlement amount, if any, owed by a nondefaulting party to an insurer against which an application or petition has been filed under sections 375.1150 to 375.1246 shall be transferred to or on the order of the receiver for the insurer, even if the insurer is the defaulting party, notwithstanding any walkaway clause in the netting agreement or qualified financial contract.

(2) For purposes of this subsection, “walkaway clause” means a provision in a netting agreement or qualified financial contract that, after calculation of a value of a party’s position or an amount due to or from one of the parties in accordance with its terms upon termination, liquidation, or obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the party’s status as a nondefaulting party.

(3) Any limited two-way payment or first method provision in a netting agreement or qualified financial contract with an insurer that has defaulted shall be deemed to be a full two-way payment or second method provision as against the defaulting insurer. Any such property or amount shall, except to the extent it is subject to one or more secondary liens or encumbrances or rights of netting or setoff, be a general asset of the insurer.

3. In making any transfer of a netting agreement or qualified financial contract of an insurer subject to a proceeding under sections 375.1150 to 375.1246, the receiver shall either:

(1) Transfer to one party, other than an insurer subject to a proceeding under sections 375.1150 to 375.1246, all netting agreements and qualified financial contracts between a counterparty or any affiliate of the counterparty and the insurer that is the subject of the proceeding, including:

(a) All rights and obligations of each party under each netting agreement and qualified financial contract; and

(b) All property, including any guarantees or other credit enhancement, securing any claims of each party under each netting agreement and qualified financial contract; or

(2) Transfer none of the netting agreements, qualified financial contracts, rights, obligations, or property referred to in subdivision (1) of this subsection with respect to the counterparty and any affiliate of the counterparty.

4. If a receiver for an insurer makes a transfer of one or more netting agreements or qualified financial contracts, the receiver shall use its best efforts to notify any person who is party to the

netting agreements or qualified financial contracts of the transfer by noon, the receiver's local time, on the business day following the transfer. For purposes of this subsection, "business day" means a day other than a Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

5. Notwithstanding any other provision of sections 375.1150 to 375.1246, a receiver shall not avoid a transfer of money or other property arising under or in connection with a netting agreement or qualified financial contract, or any pledge, security, collateral, or guarantee agreement or any other similar security arrangement or credit support document relating to a netting agreement or qualified financial contract, that is made before the commencement of a formal delinquency proceeding under sections 375.1150 to 375.1246. However, a transfer may be avoided under section 375.1182 if the transfer was made with actual intent to hinder, delay, or defraud the insurer, a receiver appointed for the insurer, or existing or future creditors.

6. (1) In exercising the rights of disaffirmance or repudiation of a receiver with respect to any netting agreement or qualified financial contract to which an insurer is a party, the receiver for the insurer shall either:

(a) Disaffirm or repudiate all netting agreements and qualified financial contracts between a counterparty or any affiliate of the counterparty and the insurer that is the subject of the proceeding; or

(b) Disaffirm or repudiate none of the netting agreements and qualified financial contracts referred to in paragraph (a) of this subdivision with respect to the person or any affiliate of the person.

(2) Notwithstanding any other provision of sections 375.1150 to 375.1246, any claim of a counterparty against the estate arising from the receiver's disaffirmance or repudiation of a netting agreement or qualified financial contract that has not been previously affirmed in the liquidation or immediately preceding conservation or rehabilitation case shall be determined and shall be allowed or disallowed as if the claim had arisen before the date of the filing of the petition for liquidation or, if a conservation or rehabilitation proceeding is converted to a liquidation proceeding, as if the claim had arisen before the date of the filing of the petition for conservation or rehabilitation. The amount of the claim shall be the actual direct compensatory damages determined as of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract. Actual direct compensatory damages does not include punitive or exemplary damages, damages for lost profit or lost opportunity or damages for pain and suffering, but does include normal and reasonable costs of cover or other reasonable measures of damages utilized in the derivatives, securities, or other market for the contract and agreement claims.

7. Contractual right, as used in this section, includes any right set forth in a rule or bylaw of a derivatives clearing organization as defined in the Commodity Exchange Act, a multilateral clearing organization as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991, a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade as defined in the Commodity Exchange Act, or in a resolution of the governing board thereof and any right, whether or not evidenced in writing, arising under statutory or common law, or under law merchant, or by reason

of normal business practice.

8. The provisions of this section shall not apply to persons who are affiliates of the insurer that is the subject of the proceeding.

9. All rights of counterparties under sections 375.1150 to 375.1246 shall apply to netting agreements and qualified financial contracts entered into on behalf of the general account or separate accounts if the assets of each separate account are available only to counterparties to netting agreements and qualified financial contracts entered into on behalf of such separate account.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

### PRIVILEGED MOTIONS

Senator Callahan moved that the Senate refuse to concur in **HCS** for **SB 981**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Pearce moved that **SB 940**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 940**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 940

An Act to repeal sections 313.005, 313.010, 313.015, 313.040, 313.045, 313.050, and 313.057, RSMo, and to enact in lieu thereof seven new sections relating to bingo, with penalty provisions.

Was taken up.

Senator Pearce moved that **HCS** for **SB 940** be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Green	Justus	Keaveny	Lager	Mayer	McKenna	Nodler
Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields	Shoemyer	Vogel
Wilson	Wright-Jones—26						

#### NAYS—Senators

Bartle	Cunningham	Goodman	Lembke	Purgason	Scott	Stouffer—7
--------	------------	---------	--------	----------	-------	------------

Absent—Senator Griesheimer—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, **HCS** for **SB 940** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Days	Dempsey	Engler
Green	Griesheimer	Justus	Keaveny	Lager	McKenna	Nodler	Pearce
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Vogel	Wilson	Wright-Jones—24

## NAYS—Senators

Bartle	Cunningham	Goodman	Lembke	Mayer	Purgason	Ridgeway	Scott
--------	------------	---------	--------	-------	----------	----------	-------

Stouffer—9

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Pearce moved that the Senate refuse to concur in **HCS No. 2** for **SCS** for **SB 778** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon and further that the conferees be allowed to exceed the differences to require the Office of Administration to provide the members of the legislature a key to the dome, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HB 1595**, introduced by Representative Dugger, et al, entitled:

An Act to repeal section 349.010, RSMo, and to enact in lieu thereof one new section relating to projects by industrial development corporations.

Was called from the Informal Calendar and taken up by Senator Purgason.

On motion of Senator Purgason, **HB 1595** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **PRIVILEGED MOTIONS**

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SB 741**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Engler, the Senate recessed until 6:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

### **HOUSE BILLS ON THIRD READING**

Senator Stouffer moved that **HCS** for **HJR 86**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS No. 2** for **SCS** for **HCS** for **HJR 86** was again taken up.

At the request of Senator Stouffer, **SS No. 2** for **SCS** for **HCS** for **HJR 86** was withdrawn.

Senator Stouffer offered **SS No. 3** for **SCS** for **HCS** for **HJR 86**, entitled:

#### **SENATE SUBSTITUTE NO. 3 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 86**

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to raise animals.

Senator Stouffer moved that **SS No. 3** for **SCS** for **HCS** for **HJR 86** be adopted.

Senator Rupp offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Committee Substitute for House Joint Resolution No. 86, Page 2, Section 35, Lines 2-3 of said page, by striking “domesticated animals” and inserting in lieu thereof the following: “**livestock**”; and

Further amend said resolution and page, section B, line 14 of said page, by striking “domesticated animals” and inserting in lieu thereof the following: “**livestock**”.

Senator Rupp moved that the above amendment be adopted.

Senator Dempsey assumed the Chair.

Senator Scott assumed the Chair.

At the request of Senator Stouffer, **HCS** for **HJR 86**, with **SCS**, **SS No. 3** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Engler, the Senate recessed until 8:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **HCS** for **HB 2070** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 791**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 981**, as amended, and grants the Senate a conference thereon.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 791**, as amended. Senators Griesheimer, Lager, Dempsey, Bray and Callahan.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 981**, as amended: Senators Callahan, Green, Griesheimer, Dempsey and Crowell.

### **PRIVILEGED MOTIONS**

Senator Dempsey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 754**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

### **CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 754**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute



for Senate Bill No. 754, with House Amendment Nos 1, 2, 3, 4, 5, 6, 7, 8, and House Substitute Amendment No. 1 for House Amendment No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 754,;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, be Third Read and Finally Passed.

**FOR THE SENATE:**

/s/ Tom Dempsey

/s/ Delbert Scott

/s/ David Pearce

Jolie Justus

Victor Callahan

**FOR THE HOUSE:**

/s/ David Day

/s/ Donald Wells

/s/ Jay Wasson

/s/ Curt Dougherty

Steve Webb

Senator Dempsey moved that the above conference committee report be adopted.

At the request of Senator Dempsey, the above motion was withdrawn.

### **REPORTS OF STANDING COMMITTEES**

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HJR 62**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **HOUSE BILLS ON THIRD READING**

Senator Pearce moved that **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, as amended, was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Barnitz	Callahan	Champion	Crowell	Cunningham	Days	Dempsey	Engler
Green	Justus	Keaveny	Lager	Mayer	McKenna	Nodler	Pearce
Purgason	Ridgeway	Schaefer	Schmitt	Shields	Stouffer	Wilson	Wright-Jones—24

**NAYS—Senators**

Bartle	Bray	Goodman	Griesheimer	Rupp	Scott	Shoemyer—7
--------	------	---------	-------------	------	-------	------------

Absent—Senators

Clemens      Lembke—2

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Crowell	Cunningham	Days	Dempsey	Engler
Green	Justus	Keaveny	Lager	Lembke	Mayer	McKenna	Nodler
Pearce	Purgason	Ridgeway	Schaefer	Schmitt	Shields	Shoemyer	Stouffer
Wilson	Wright-Jones—26						

NAYS—Senators

Bartle	Bray	Goodman	Griesheimer	Rupp	Scott—6
--------	------	---------	-------------	------	---------

Absent—Senator Clemens—1

Absent with leave—Senator Vogel—1

Vacancies—None

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Schaefer moved that the Senate refuse to recede from its position on **SA 1** to **HCS** for **HB 2070**, and grant the House a conference thereon, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 2070**, with **SA 1**. Senators Schaefer, Lembke, Pearce, Bray and Shoemyer.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SB 848**, entitled:

An Act to repeal sections 273.327, 273.329, 393.150, 393.1025, and 393.1030, RSMo, and to enact in lieu thereof eight new sections relating to energy and animals, with a penalty provision and an emergency

clause for certain sections.

With House Amendment Nos. 1, 2 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Bill No. 848, Sections 386.715 and 393.150 by removing all of said Sections from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Bill No. 848, Page 9, Section 393.1030, Line 58, by inserting immediately after said line the following:

**“Section 1. 1. Damages allowable for a private nuisance on property used for farming purposes as defined in sections 262.801 and 262.805 shall be as follows:**

**(1) If the nuisance is a permanent nuisance, compensatory damages shall be measured by the reduction in the fair market value of the claimant’s property caused by the nuisance, but not to exceed the fair market value of the property;**

**(2) If the nuisance is a temporary nuisance, compensatory damages shall be measured by the diminution in the fair rental value of the property which resulted from the nuisance;**

**(3) No damages shall be awarded for annoyance, discomfort, sickness, emotional distress, or similar claims for a private nuisance.**

**2. In the event a claim for injury or damages to a person is asserted in the same proceeding as a claim for damage to the claimant’s property cause by a private nuisance, liability for such personal injury or damage shall be determined on the basis of applicable principles of tort law independent of whether the defendant’s use of property is found to constitute a nuisance.**

**3. In any action for private nuisance where the amount in controversy exceeds one million dollars, if any party requests the court or jury to visit the property alleged to be affected by the nuisance, the court or jury shall visit the property.**

[537.296. In any action for private nuisance where the amount in controversy exceeds one million dollars, if any party requests the court or jury to visit the property alleged to be affected by the nuisance, the court or jury shall visit the property.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Bill No. 848, Page 4, Section 273.329, Line 19 by inserting after all of said line the following:

**“311.297. 1. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this section, a “sales transaction” shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at**

the tasting site.

2. Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090.

**3. Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with section 311.294 or hold a by-the-drink-for-consumption-on-the-premises-where-sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

May 12, 2010

TO THE SECRETARY OF THE SENATE  
95th GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Bill No. 928 entitled:

#### AN ACT

To repeal section 144.030, RSMo, and to enact in lieu thereof two new sections relating to the sales tax treatment of sales for resale, with an emergency clause.

On May 12, 2010, I approved said Senate Substitute for Senate Bill No. 928.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

### RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 2525, regarding the One Hundredth Birthday of Lucy J. Diggs, St. Louis, which was adopted.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Thursday, May 13, 2010.

SENATE CALENDAR

---

SIXTY-NINTH DAY—THURSDAY, MAY 13, 2010

---

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)	SCS for SB 622-Shoemyer (In Fiscal Oversight)
SJR 20-Bartle	SS for SB 1057-Shields (In Fiscal Oversight)
SB 779-Bartle (In Fiscal Oversight)	SCS for SB 969-Keaveny
SCS for SB 944-Shields (In Fiscal Oversight)	

HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HCS for HB 1675, with SCS (Ridgeway)<br>(In Fiscal Oversight)       | 6. HCS for HB 1966, with SCS (Pearce)<br>(In Fiscal Oversight)   |
| 2. HJR 76-Dethrow, et al, with SCS<br>(Purgason) (In Fiscal Oversight) | 7. HJR 78-Smith (150), et al (Stouffer)<br>(In Fiscal Oversight) |
| 3. HCS for HB 1497 (Goodman)<br>(In Fiscal Oversight)                  | 8. HJR 62-McGhee, et al (Scott)                                  |
| 4. HB 2252-Faith (Dempsey)<br>(In Fiscal Oversight)                    | 9. HB 2290-Wasson (Goodman)                                      |
| 5. HCS for HJR 64, with SCS (Pearce)<br>(In Fiscal Oversight)          | 10. HCS for HB 1871, with SCS (Lager)<br>(In Fiscal Oversight)   |
|  | 11. HCS for HB 1473, with SCS (Pearce)                           |
|  | 12. HCS for HB 2201, with SCS (Schaefer)                         |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham (In Fiscal Oversight)	SCS for SB 826-Griesheimer SB 1001-Griesheimer
--	---

SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SB 639-Schmitt, with SCS & SS for SCS (pending)
SB 587-Nodler and Cunningham, with SCS & SA 1 (pending)	SB 643-Keaveny, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SB 596-Callahan, with SCS (pending)	SB 698-Griesheimer, with SCS, SS for SCS & SA 1 (pending)
SB 606-Stouffer	SB 705-Griesheimer
SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)	

SB 738-Crowell, with SCS  
 SB 747-Rupp, et al, with SA 1 (pending)  
 SB 784-Schaefer and Pearce  
 SB 792-Dempsey and Rupp, with SS  
 (pending)  
 SB 797-Green  
 SB 810-Lager, with SCS  
 SB 818-Lembke, with SCS, SS for SCS &  
 SA 1 (pending)  
 SB 839-Wright-Jones, with SCS  
 SB 852-Lager, et al, with SS, SA 1 &  
 SSA 1 for SA 1 (pending)  
 SB 868-Shields  
 SB 878-Lembke, with SCS & SS for SCS  
 (pending)  
 SBs 880, 780 & 836-Schaefer, with SCS,  
 SS for SCS & SA 1 (pending)  
 SBs 895, 813, 911, 924, 922 & 802-Dempsey,  
 et al, with SCS, SS for SCS, SA 1, SSA 1  
 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)

SB 896-Shields and Crowell, with SA 1  
 (pending)  
 SB 905-Bray, et al, with SCS & SS for  
 SCS (pending)  
 SB 999-Schaefer  
 SB 1016-Mayer, with SCS  
 SB 1017-Mayer, with SCS (pending)  
 SB 1060-Bartle, with SCS  
 SJR 22-Callahan  
 SJR 25-Cunningham, et al, with SCS, SS#2  
 for SCS & SA 5 (pending)  
 SJR 29-Purgason and Cunningham, with  
 SCS, SS#2 for SCS & SA 1 (pending)  
 SJR 31-Scott  
 SJR 33-Bartle, with SA 1 (pending)  
 SJR 34-Goodman, et al, with SA 1  
 (pending)  
 SJR 38-Ridgeway  
 SJR 40-Goodman, with SA 1 (pending)

#### HOUSE BILLS ON THIRD READING

HCS for HB 1290, with SCS, SS#2 for SCS,  
 SA 14 & SA 1 to SA 14 (pending)  
 (Griesheimer)  
 HCS for HB 1400, with SCS (Stouffer)  
 HB 1424-Franz, with SCS (pending)  
 (McKenna)  
 HCS for HB 1446, with SCS (Pearce)  
 HCS for HB 1541, with SCS & SS for SCS  
 (pending) (Goodman)  
 HB 1609-Diehl, with SCS & SS#2 for SCS  
 (pending) (Bartle)  
 HCS#2 for HBs 1692, 1209, 1405, 1499,  
 1535 & 1811, with SCS (Cunningham)

HB 1802-Gatschenberger, with SCS, SS for  
 SCS & SA 1 (pending) (Rupp)  
 HB 1842-Wilson (130) (Goodman)  
 HCS for HB 2048, with SCS (Lager)  
 HCS for HB 2058, with SCS (Schmitt)  
 HB 2109-Ruzicka, with SCS & SS for SCS  
 (pending) (Lager)  
 SS for SCS for HB 2111-Faith, et al  
 (Stouffer)  
 SS for SCS for HB 2205-Burlison (Rupp)  
 (In Fiscal Oversight)  
 HCS for HJR 86, with SCS, SS#3 for SCS &  
 SA 1 (pending) (Stouffer)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 583-Champion, with HCS,  
 as amended  
 SB 773-Dempsey, with HA 1

SCS for SB 777-Pearce, with HCS,  
 as amended  
 SB 848-Barnitz, with HCS#2, as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 605-Mayer, with HCS,  
as amended  
SCS for SB 754-Dempsey, with HCS,  
as amended  
SB 791-Griesheimer, with HCS, as amended  
SB 795-Mayer and Nodler, with HCS,  
as amended  
SCS for SBs 842, 799 & 809-Schmitt, with  
HCS, as amended  
SB 844-Shields, with HCS#2  
SB 981-Callahan, with HCS, as amended  
HB 1268-Meiners, with SS#2, as amended  
(Justus)  
HCS for HBs 1408 & 1514, with SS (Lembke)

HB 1442-Jones (89), et al, with SS for  
SCS, as amended (Nodler)  
HB 1677-Hoskins (80), with SCS (Days)  
HB 1691-Kraus, et al, with SA 1 & SA 2  
(Pearce)  
HB 1868-Scharnhorst, with SCS,  
as amended (Shields)  
HCS for HB 1965, with SCS, as amended  
(Cunningham)  
HCS for HB 2070, with SA 1 (Schaefer)  
HB 2226, HB 1824, HB 1832 & HB 1990,  
with SCS, as amended (Scott)  
HCS for HB 2297, with SCS, as amended  
(Wilson)

Requests to Recede or Grant Conference

SB 741-Griesheimer, with HCS, as amended  
(Senate requests House recede or  
grant conference)

SCS for SB 778-Pearce, with HCS#2  
(Senate requests House recede or  
grant conference)

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer

HCS for HCRs 34 & 35 (Schmitt)  
SR 1744-Shields  
SCR 57-Ridgeway

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-NINTH DAY—THURSDAY, MAY 13, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The highest peace is the peace between opposites.” (Rebbe Nachman of Breslov)

Almighty God, it is becoming a long week with just today and tomorrow to accomplish the many things that are before us. We are more tired than usual and sometimes we grow short on patience so we need Your presence and help so we might be “slow to anger and abounding with steadfast love.” Walk with us as we discuss and discern that which is before us to live faithful lives, avoid temptations and make all decisions according to Your intentions for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.



Senator Engler announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

### RESOLUTIONS

Senator Lager offered Senate Resolution No. 2526, regarding Billie Paul Sharp, Mound City, which was adopted.

Senator McKenna offered Senate Resolution No. 2527, regarding Twin Cities AMVETS 171, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 808**, entitled:

An Act to repeal sections 48.020, 67.1000, 67.1360, 67.2000, 94.510, 94.550, 94.577, 473.739, and 473.742, RSMo, and to enact in lieu thereof eleven new sections relating to political subdivisions, with an emergency clause for a certain section.

With House Amendment Nos. 1, 2, and 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment Nos. 5, 6, 7, 8, 9, 10, 11 and 12, House Amendment No. 1 to House Amendment No. 13, House Amendment No. 13, as amended, House Amendment No. 1 to House Amendment No. 14, House Amendment No. 14, as amended, House Amendment Nos. 15, 16 and 17, House Amendment No. 1 to House Amendment No. 18, House Amendment No. 18, as amended, House Amendment Nos. 19 and 20, House Substitute Amendment No. 1 for House Amendment No. 21, House Amendment No. 1 to House Amendment No. 22, House Amendment No. 22, as amended, House Amendment Nos. 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Section 67.2000, Page 13, Line 237, by inserting after all of said section the following:

“86.252. 1. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the entire interest of a member shall be distributed or begin to be distributed no later than the member’s required beginning date. The general required beginning date of a member’s benefit is April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member terminates employment as a police officer and actually retires.

2. All distributions required pursuant to this section prior to January 1, 2003, shall be determined and made in accordance with the income tax regulations under Section 401(a)(9) of the Internal Revenue Code in effect prior to January 1, 2003, including the minimum distribution incidental benefit requirement of Section 1.401(a)(9)-2 of the income tax regulations. As of the first distribution year, distributions, if not made in a single sum, may only be made over one of the following periods, or a combination thereof:

- (1) The life of the member;
- (2) The life of the member and a designated beneficiary;
- (3) A period certain not extending beyond the life expectancy of the member; or

(4) A period certain not extending beyond the joint and last survivor expectancy of the member and a designated beneficiary.

3. (1) This subsection shall apply for purposes of determining required minimum distributions for calendar years beginning on and after January 1, 2003, and shall take precedence over any inconsistent provisions of section 86.200 to 86.366. All distributions required under this subsection shall be determined and made in accordance with the United States Treasury regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.

(2) (a) The member's entire interest shall be distributed or begin to be distributed to the member no later than the member's required beginning date.

(b) If the member dies before distributions begin, the member's entire interest shall be distributed or begin to be distributed no later than as follows:

a. If the member's surviving spouse is the member's sole designated beneficiary, distributions to the surviving spouse shall begin by December thirty-first of the calendar year immediately following the calendar year in which the member died, or by December thirty-first of the calendar year in which the member would have attained age seventy and one-half years, if later;

b. If the member's surviving spouse is not the member's sole designated beneficiary, distributions to the designated beneficiary shall begin by December thirty-first of the calendar year immediately following the calendar year in which the member died;

c. If there is no designated beneficiary as of September thirtieth of the calendar year following the calendar year of the member's death, the member's entire interest shall be distributed by December thirty-first of the calendar year containing the fifth anniversary of the member's death;

d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distribution to the surviving spouse begins, this paragraph, except for subparagraph a. of this paragraph, shall apply as if the surviving spouse were the member. For purposes of this paragraph and subdivision (5) of this subsection, distributions shall be considered to begin on the member's required beginning date, or if subparagraph d. of this paragraph applies, the date distributions are required to begin to the surviving spouse under subparagraph a. of this paragraph. If annuity payments irrevocably commence to the member before the member's required beginning date, or to the member's surviving spouse before the date of distributions are required to begin to the surviving spouse under subparagraph a. of this paragraph, the date of distributions shall be considered to begin the date distributions actually commence.

(c) Unless the member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions shall be made in accordance with subdivisions (3), (4), and (5) of this subsection. If the member's interest is distributed in the form of an annuity purchased from an insurance company, distributions shall be made in accordance with the requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, and the United States Treasury regulations.

(3) (a) If the member's interest is paid in the form of annuity distributions under sections 86.200 to 86.366, payments under the annuity shall satisfy the following requirements:

a. The annuity distributions shall be paid in periodic payments made at intervals not longer than one

year;

b. The distribution period shall be over a life or lives, or over a period certain not longer than the period described in subdivision (4) or (5) of this subsection;

c. Once payments have begun over a period certain, the period certain shall not be changed even if the period certain is shorter than the maximum permitted;

d. Payments shall either be nonincreasing or increase only as [follows:

(i) By an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that is based on prices of all items and issued by the federal Bureau of Labor Statistics;

(ii) To the extent of the reduction in the amount of the member's payments to provide for a surviving benefit upon death, but only if the beneficiary whose life was being used to determine the distribution period described in subdivision (4) of this subsection dies or is no longer the member's beneficiary under a qualified domestic relations order with the meaning of Section 414(p) of the Internal Revenue Code of 1986, as amended;

(iii) To provide cash refunds of employee contributions upon the member's death; or

(iv) To pay increased benefits that result from a revision of sections 86.200 to 86.366] **permitted under Q&A of Section 1.401(a)(9)-6 of the United States Treasury regulations.**

(b) The amount distributed on or before the member's required beginning date, or if the member dies before distribution begins, the date distributions are required to begin under subparagraph a. or b. of paragraph (b) of subdivision (2) of this subsection, shall be the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if the payment interval ends in the next calendar year. "Payment intervals" means the periods for which payments are received, such as bimonthly, monthly, semiannually, or annually. All of the member's benefit accruals as of the last day of the first distribution calendar year shall be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the member's required beginning date.

(c) Any additional benefits accruing to the member in a calendar year after the first distribution calendar year shall be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

(4) (a) If the member's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the member and a nonspouse beneficiary, annuity payments to be made on or after the member's required beginning date to the designated beneficiary after the member's death shall not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the member using the table set forth in Q&A-2 of Section 1.401(a)(9)-6T of the United States Treasury regulations.

(b) The period certain for an annuity distribution commencing during the member's lifetime shall not exceed the applicable distribution period for the member under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the United States Treasury regulations for the calendar year that contains the annuity starting date. If the annuity starting date precedes the year in which the member reaches age seventy, the applicable distribution period for the member shall be the distribution period for age seventy under the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the United States Treasury regulations plus the excess of seventy over the age of the member as of the member's birthday in the year

that contained the annuity starting date.

(5) (a) If the member dies before the date distribution of his or her interest begins and there is a designated beneficiary, the member's entire interest shall be distributed, beginning no later than the time described in subparagraph a. or b. of paragraph (b) of subdivision (2) of this subsection, over the life of the designated beneficiary or over a period certain not exceeding:

a. Unless the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the member's death; or

b. If the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year that contains the annuity starting date.

(b) If the member dies before the date distributions begin and there is no designated beneficiary as of September thirtieth of the calendar year following the calendar year of the member's death, distribution of the member's entire interest shall be completed by December thirty-first of the calendar year containing the fifth anniversary of the member's death.

(c) If the member dies before the date distribution of his or her interest begins, the member's surviving spouse is the member's sole designated beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, this subdivision shall apply as if the surviving spouse were the member; except that, the time by which distributions shall begin shall be determined without regard to subparagraph a. of paragraph (b) of subdivision (2) of this subsection.

(6) As used in this subsection, the following terms mean:

(a) "Designated beneficiary", the surviving spouse or the individual who is designated as the beneficiary under subdivision (4) of section 86.200 or any individual who is entitled to receive death benefits under section 86.283 or 86.287 and is the designated beneficiary under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, and Section 1.401(a)(9)-1, Q&A-4 of the United States Treasury regulations;

(b) "Distribution calendar year", a calendar year for which a minimum distribution is required. For distributions beginning before the member's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the member's required beginning date. For distributions beginning after the member's death, the first distribution calendar year is the calendar year in which distributions are required to begin under paragraph (b) of subdivision (2) of this subsection;

(c) "Life expectancy", life expectancy as computed by use of the Single Life Table in Section 1.401(a)(9)-9 of the United States Treasury regulations;

(d) "Required beginning date", April first of the calendar year following the calendar year in which the member attains age seventy and one-half years or, if later, in which the member terminates employment as a police officer and actually retires.

(7) Notwithstanding any provision in this subsection to the contrary:

(a) A distribution for calendar years 2003, 2004, and 2005 shall not fail to satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, merely because the payments do not satisfy Section 1.401(a)(9)-1, Q&A-1 to Q&A-16 of the United States Treasury regulations, provided the payments satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended; and

(b) [In the case of an annuity distribution option provided under the terms of sections 86.200 to 86.366 shall not fail to satisfy Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, merely because the annuity payments do not satisfy the requirements of Section 1.401(a)(9)-1, Q&A-1 to Q&A-15 of the United States Treasury regulations, provided the distribution option satisfies Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, based on a reasonable and good faith interpretation of the provisions of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended] **Under Section 1.401(a)(9)-1, Q&A-2 of the United States Treasury regulations, the plan shall be treated as having complied with Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all years to which Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, applies to the plan if the plan complies with a reasonable and good faith interpretation of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended.**

86.255. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, if an eligible rollover distribution becomes payable to a distributee, the distributee may elect, at the time and in the manner prescribed by the board of trustees, to have any of the eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

2. For purposes of this section, the following terms mean:

(1) “Direct rollover”, a payment by the board of trustees from the fund to the eligible retirement plan specified by the distributee;

(2) “Distributee”, a member, a surviving spouse or a spouse **or, effective for distributions made on or after January 1, 2010, a nonspouse beneficiary;**

(3) “Eligible retirement plan”, an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code that accepts the distributee’s eligible rollover distribution or, effective for eligible rollover distributions made on or after January 1, 2002, an annuity contract described in Section 403(b) of the Internal Revenue Code or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan, and shall include, for eligible rollover distributions made on or after January 1, [2002, a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code] **2008, a Roth IRA as described in Section 408 of the Internal Revenue Code of 1986, as amended, provided that for distributions made on or after January 1, 2010, to a nonspouse beneficiary, an eligible retirement plan shall include only an individual retirement account described in Section 408(a) of the Internal Revenue Code of 1986, as amended, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code of 1986, as amended, or a Roth IRA described in Section 408A of the Internal Revenue Code of 1986, as amended, that is an inherited individual retirement account or annuity under Section 408 of the Internal Revenue Code of 1986, as amended;**

(4) “Eligible rollover distribution”, any distribution of all or any portion of a member’s benefit, other than:

(a) A distribution that is one of a series of substantially equal periodic payments, made not less frequently than annually, for the life or life expectancy of the distributee or for the joint lives or joint life

expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more;

(b) The portion of a distribution that is required under Section 401(a)(9) of the Internal Revenue Code; or

(c) Effective for distributions made on or after January 1, 2002, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, **for distributions made before January 1, 2007**, such portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable; **for distributions made on or after January 1, 2007**, such portion may also be transferred to an annuity contract described in Section 403(b) of the Internal Revenue Code of 1986, as amended, or to a qualified defined benefit plan described in Section 401(a) of the Internal Revenue Code of 1986, as amended, that agrees to separately account for amounts so transferred, including to separately account for the portion of such distribution which is includable in gross income and the portion that is not so includable; and for distributions made on or after January 1, 2008, such portion may also be transferred to a Roth IRA described in Section 408A of the Internal Revenue Code of 1986, as amended.

3. The board of trustees shall, at least thirty days, but not more than ninety days, before making an eligible rollover distribution, provide a written explanation to the distributee in accordance with the requirements of Section 402(f) of the Internal Revenue Code.

4. If the eligible rollover distribution is not subject to Sections 401(a) and 417 of the Internal Revenue Code, such eligible rollover distribution may be made less than thirty days after the distributee has received the notice described in subsection 3 of this section, provided that:

(1) The board of trustees clearly informs the distributee of the distributee's right to consider whether to elect a direct rollover, and if applicable, a particular distribution option, for at least thirty days after the distributee receives the notice; and

(2) The distributee, after receiving the notice, affirmatively elects a distribution.

5. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, in no event shall the trustees pay an eligible rollover distribution in the amount of five thousand dollars or less to a member or retired member who has not attained age sixty-two unless such member or retired member consents in writing either to receive such distribution in cash or to have such distribution directly rolled over in accordance with the provisions of this section.

86.256. 1. In no event shall a member's annual benefit paid under the plan established pursuant to sections 86.200 to 86.366 exceed the amount specified in Section 415(b)(1)(A) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living, as in effect on the last day of the plan year, including any increases after the member's termination of employment.

2. Effective for limitation years beginning after December 31, 2001, in no event shall the annual additions to the plan established pursuant to sections 86.200 to 86.366, on behalf of the member, including the member's own mandatory contributions, exceed the [lesser of:

(1) One hundred percent of the member's compensation, as defined for purposes of Section 415(c)(3) of the Internal Revenue Code, for the limitation year; or

(2) Forty thousand dollars, as adjusted for increases in the cost of living under Section 415(d) of the Internal Revenue Code.

3. Effective for limitation years beginning prior to January 1, 2000, in no event shall the combined plan limitation of Section 415(e) of the Internal Revenue Code be exceeded; provided that, if necessary to avoid exceeding such limitation, the member's annual benefit under the plan established pursuant to sections 86.200 to 86.366 shall be reduced to the extent necessary to satisfy such limitations] **amount specified in Section 415(c) of the Internal Revenue Code of 1986, as amended, as adjusted for any applicable increases in the cost of living under Section 415(d) of the Internal Revenue Code of 1986, as amended, as in effect on the last day of the plan year.**

[4.] **3.** For purposes of this section, Section 415 of the Internal Revenue Code, including the special rules under Section 415(b) applicable to governmental plans and qualified participants employed by a police or fire department, is incorporated in this section by reference.

86.294. 1. Notwithstanding any other provision of the plan established in sections 86.200 to 86.366, and subject to the provisions of subsections 2[, 3, and 4] **and 3** of this section, effective January 1, 2002, the plan shall accept a member's rollover contribution or direct rollover of an eligible rollover distribution made on or after January 1, 2002, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code, or an annuity contract described in Section 403(b) of the Internal Revenue Code, or an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state **and that would otherwise be includable in gross income.** The plan will also accept a member's rollover contribution of the portion of a distribution from an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code that is eligible to be rolled over and would otherwise be includable in gross income. **The plan shall accept a member's direct rollover of an eligible rollover distribution made on or after October 1, 2010, from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code of 1986, as amended, or an annuity contract described in 403(b) of the Internal Revenue Code of 1986, as amended, that includes after-tax employee contributions (other than Roth contributions described in Section 402A of the Internal Revenue Code of 1986, as amended) that are not includable in gross income and shall separately account for such after-tax amounts.**

2. **Except to the extent specifically permitted under procedures established by the board of trustees,** the amount of such rollover contribution or direct rollover of an eligible rollover distribution shall not exceed the amount required to repay the member's accumulated contributions plus the applicable members' interest thereon from the date of withdrawal to the date of repayment in order to receive credit for such prior service in accordance with section 86.210, to the extent that Section 415 of the Internal Revenue Code does not apply to such repayment by reason of subsection (k)(3) thereof, or to purchase permissive service credit, as defined in Section 415(n)(3)(A) of the Internal Revenue Code, for the member under the plan in accordance with the provisions of section 105.691, RSMo.

3. Acceptance of any rollover contribution or direct rollover of **an** eligible rollover distribution under this section shall be subject to the approval of the board of trustees and shall be made in accordance with procedures established by the board of trustees.

[4. In no event shall the plan accept any rollover contribution or direct rollover distribution to the extent that such contribution or distribution consists of after-tax employee contributions which are not includable in gross income.]

**86.295. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, if a member dies on or after January 1, 2007, while performing qualified military service (as defined in Section 414(u)(5) of the Internal Revenue Code of 1986, as amended) the member's surviving spouse or other dependents shall be entitled to any benefits (other than benefit increases relating to the period of qualified military service) and the rights and features associated with those benefits which would have been provided under sections 86.280 and 86.290 if the member had returned to service as a police officer and died while in active service.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 7, Section 67.1360, Line 129, by inserting immediately after said line the following:

67.1361. 1. The governing body of any county of the first classification without a charter form of government and with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants and the governing body of any home rule city with more than seventy-three thousand nine hundred but less than seventy-four thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than eight percent per occupied room or slip per night, except that such tax shall not become effective unless the governing body of the county or city submits to the voters of the county or city at a state general, primary or special election, a proposal to authorize the governing body of the county or city to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county for funding the promotion of tourism and convention facilities. Such tax shall be stated separately from all other charges and taxes.

2. Any tax imposed by a county pursuant to subsection 1 of this section shall apply only to unincorporated areas of such county.

3. The question shall be submitted in substantially the following form:

Shall the ..... (city or county) levy a tax of ..... percent on each sleeping room or campsite occupied and rented by transient guests and any docking facility which rents slips to recreational boats which are used by transients for sleeping in the ..... (city or county), where the proceeds of which shall be expended for promotion of tourism and convention facilities?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the governing body for the city or county shall have no power to impose the tax authorized by this section unless and until the governing body of the city or county



again submits the question to the qualified voters of the city or county and such question is approved by a majority of the qualified voters voting on the question.

4. On and after the effective date of any tax authorized under the provisions of this section, the city or county may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city or county may adopt rules and regulations for the internal collection of such tax by the city or county officers usually responsible for collection and administration of city or county taxes; or

(2) The city or county enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city or county enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement and operation of such tax, and the director of revenue shall collect the additional tax authorized under the provisions of this section. The tax authorized under the provisions of this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain an amount not to exceed one percent for cost of collection.

5. If a tax is imposed by a city or county under this section, the city or county may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter.

6. As used in this section "transient guests" means a person or persons who occupy room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.; and

Further amend said bill, Page 13, Section 67.2000, Line 237, by inserting immediately after said line the following:

"70.220. 1. Any municipality or political subdivision of this state, as herein defined, may contract and cooperate with any other municipality or political subdivision, or with an elective or appointive official thereof, or with a duly authorized agency of the United States, or of this state, or with other states or their municipalities or political subdivisions, or with any private person, firm, association or corporation, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; provided, that the subject and purposes of any such contract or cooperative action made and entered into by such municipality or political subdivision shall be within the scope of the powers of such municipality or political subdivision.

2. Any municipality or political subdivision of this state may contract with one or more adjacent municipalities or political subdivisions to share the tax revenues of such cooperating entities that are generated from real property and the improvements constructed thereon, if such real property is located within the boundaries of either or both municipalities or subdivisions and within three thousand feet of a common border of the contracting municipalities or political subdivisions. The purpose of such contract shall be within the scope of powers of each municipality or political subdivision. Municipalities or political subdivisions separated only by a public street, easement, or right-of-way shall be considered to share a common border for purposes of this subsection.

**3. Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants may contract with any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty- six thousand inhabitants to share tax revenues for**

**the purpose of promoting tourism and the construction, maintenance, and improvement of convention center and recreational facilities. In the event an agreement for the distribution of tax revenues is entered into between a county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants and a home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants, then all revenue received from such taxes shall be distributed in accordance with the terms of said agreement. For purposes of this subsection, the term “tax revenue” shall include tax revenues generated from the imposition of a transient guest tax imposed under the provisions of section 67.1361.**

4. If any contract or cooperative action entered into under this section is between a municipality or political subdivision and an elective or appointive official of another municipality or political subdivision, such contract or cooperative action shall be approved by the governing body of the unit of government in which such elective or appointive official resides.

[4.] 5. In the event an agreement for the distribution of tax revenues is entered into between a county of the first classification without a charter form of government and a constitutional charter city with a population of more than one hundred forty thousand that is located in said county prior to a vote to authorize the imposition of such tax, then all revenue received from such tax shall be distributed in accordance with said agreement for so long as the tax remains in effect or until the agreement is modified by mutual agreement of the parties.”; and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 24, Section 473.742, Line 63 by inserting after all of said line the following:

“537.620. Notwithstanding any direct or implied prohibitions in chapter 375, RSMo, 377, RSMo, or 379, RSMo, any three or more political subdivisions of this state may form a business entity for the purpose of providing liability and all other insurance, including insurance for elderly or low-income housing in which the political subdivision has an insurable interest, for any of the subdivisions upon the assessment plan as provided in sections 537.600 to 537.650. Any public governmental body or quasi-public governmental body, as defined in section 610.010, RSMo, and any political subdivision of this state or any other state may join this entity and use public funds to pay any necessary assessments. Except for being subject to the regulation of the director of the department of insurance, financial institutions and professional registration under sections 375.930 to 375.948, RSMo, sections 375.1000 to 375.1018, RSMo, and sections 537.600 to 537.650, any such business entity shall not be deemed to be an insurance company or insurer under the laws of this state, and the coverage provided by such entity and the administration of such entity shall not be deemed to constitute the transaction of an insurance business. **Risk coverages procured under this section shall not be deemed to constitute a contract, purchase, or expenditure of public funds for which a public governmental body, quasi-public governmental body, or political subdivision is required to solicit competitive bids.**”; and

Further amend said bill, Section B, Page 24, Line 6 by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to Section 59.033 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 3, Line 31, by inserting after all of said line the following:

“Further amend said bill, Page 24, Section B, Lines 3 and 6, by inserting immediately after the word “act” the following: “except section 94.577” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 2, Section 48.020, Line 33, by inserting after all of said line the following:

“67.402. 1. The governing body of **the following counties may enact nuisance abatement ordinances as provided in this section:**

(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but [less] **fewer** than one hundred thirty-five thousand five hundred inhabitants[.];

(2) Any county of the first classification with more than seventy-one thousand three hundred but [less] **fewer** than seventy-one thousand four hundred inhabitants[, and];

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but [less] **fewer** than one hundred ninety-nine thousand two hundred inhabitants;

(4) **Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;**

(5) **Any county of the third classification without a township form of government and with more than sixteen thousand four hundred but fewer than sixteen thousand five hundred inhabitants.**

**2. The governing body of any county described in subsection 1 of this section** may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, **tires, storm water runoff conditions resulting in damage to buildings or infrastructure**, or overgrown or noxious weeds in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

[2.] **3.** Any ordinance enacted pursuant to this section shall:

(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;

(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and may provide that such notice

be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located shall be made parties;

(4) Provide that upon failure to commence work of abating the nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter before the county commission, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if evidence supports a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, the county commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the property to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the nuisance abated. If the evidence does not support a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

[3.] 4. Any ordinance authorized by this section may provide that if the owner fails to begin abating the nuisance within a specific time which shall not be longer than seven days of receiving notice that the nuisance has been ordered removed, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the county clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the county collector's option, for the property and the certified cost shall be collected by the county collector in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.”; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 13, Section 67.2000, Line 237, by inserting the following after all of said Line:

**“67.2050. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:**

- (1) “Facility”, a location composed of real estate, buildings, fixtures, machinery, and equipment;**
- (2) “Municipality”, any county, city, incorporated town, or village of the state;**

**(3) “NAICS”, the 2007 edition of the North American Industry Classification System developed under the direction and guidance of the federal Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;**

- (4) “Technology business facility”, a facility purchased, constructed, extended, or improved under**

**this section, provided that such business facility is engaged in:**

**(a) Data processing, hosting, and related services (NAICS 518210); or**

**(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;**

**(5) “Technology business facility project” or “project”, the purchase, construction, extension, and improvement of technology business facilities, whether of the facility as a whole or of any one or more of the facility’s components of real estate, buildings, fixtures, machinery, and equipment.**

**2. The governing body of any municipality may:**

**(1) Carry out technology business facility projects for economic development under this section;**

**(2) Accept grants from the federal and state governments for technology business facility project purposes, and may enter into such agreements as are not contrary to the laws of this state and which may be required as a condition of grants by the federal government or its agencies; and**

**(3) Receive gifts and donations from private sources to be used for technology business facility project purposes.**

**3. The governing body of the municipality may enter into loan agreements, sell, lease, or mortgage to private persons, partnerships, or corporations any one or more of the components of a facility received, purchased, constructed, or extended by the municipality for development of a technology business facility project. The loan agreement, installment sale agreement, lease, or other such document shall contain such other terms as are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with this section. When, in the judgment of the governing body of the municipality, the technology business facility project will result in economic benefits to the municipality, the governing body may lawfully enter into an agreement that includes nominal monetary consideration to the municipality in exchange for the use of one or more components of the facility.**

**4. Transactions involving the lease or rental of any components of a project under this section shall be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745.**

**5. Leasehold interests granted and held under this section shall not be subject to property taxes.**

**6. Any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality’s treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.**

**7. The county assessor shall include the current assessed value of all property within the affected taxing entities in the aggregate valuation of assessed property entered upon the assessor’s book and verified under section 137.245, and such value shall be used for the purpose of the debt limitation on local government under section 26(b), article VI, Constitution of Missouri.**

**8. The governing body of any municipality may sell or otherwise dispose of the property, buildings, or plants acquired under this section to private persons or corporations for technology business facility project purposes upon approval by the governing body. The terms and method of the sale or other disposal shall be established by the governing body so as to reasonably protect the economic well-being of the municipality and to promote the development of technology business facility projects. A private person or corporation that initially transfers property to the municipality for the purposes of a technology business facility project and does not charge a purchase price to the municipality shall retain the right, upon request to the municipality, to have the municipality retransfer the donated property to the person or corporation at no cost.”; and**

Further amend said bill, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) “Average wage”, the new payroll divided by the number of new jobs;

(2) “Blighted area”, an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(3) “Board”, an enhanced enterprise zone board established pursuant to section 135.957;

(4) “Certified site zone”, an area of real property that:

**(a) Encompasses not less than fifty acres that has been approved as a certified site by the department;**

**(b) Has been found to be blighted by the governing authority; and**

**(c) Is located in one or more census tracts which according to the United States Census Bureau’s last decennial census has a poverty rate of fifteen percent or more, or for which the median household income that is less than:**

**a. Statewide median household income; or**

**b. The metropolitan median household income for the metropolitan statistical area in which the certified site zone is located;**

**(5) “Certified site”, an area of property designated as a certified site by the department under the certified sites program;**

**(6) “Commencement of commercial operations” shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;**

**[(5)] (7) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any**

taxpayer that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, such taxpayer shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

[(6)] (8) “Department”, the department of economic development;

[(7)] (9) “Director”, the director of the department of economic development;

(10) “**Dormant manufacturing plant zone**”, an area of real property:

(a) **Encompassing not less than two hundred fifty acres that, within five years of the date of the notice of intent, was predominantly used for manufacturing or assembly and employed not less than three thousand persons but has since ceased all activity;**

(b) **That has been found, by an ordinance adopted by the governing body, to be a blighted area and designated for redevelopment; and**

(c) **That:**

a. **Is located in a census tract with, according to United States Census Bureau’s American Community Survey based on the most recent of five-year period estimated data in which the estimate ends in either zero or five, a poverty rate of fifteen percent or more, or the median household income is below the statewide median household income or the metropolitan median household income for the metropolitan statistical area in which the property is located; or**

b. **Involves funding provided by a federal agency of at least one million dollars to facilitate the redevelopment of such property;**

[(8)] (11) “Employee”, a person employed by the enhanced business enterprise that is scheduled to work an average of at least one thousand hours per year, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;

[(9)] (12) “Enhanced business enterprise”, an industry or one of a cluster of industries that is either:

(a) Identified by the department as critical to the state’s economic security and growth, **or in the case of a business enterprise located in a certified site zone, will also include data processing, hosting, and related services (NAICS 518210) and internet publishing, broadcasting, and web search portals (NAICS 519130); or**

(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved **or deemed approved** by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

[(10)] **(13)** “Existing business facility”, any facility in this state which was employed by the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior to an expansion, acquisition, addition, or replacement;

[(11)] **(14)** “Facility”, any building used as an enhanced business enterprise located within an enhanced enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

[(12)] **(15)** “Facility base employment”, the greater of the number of employees located at the facility on the date of the notice of intent, or for the twelve-month period prior to the date of the notice of intent, the average number of employees located at the facility, or in the event the project facility has not been in operation for a full twelve-month period, the average number of employees for the number of months the facility has been in operation prior to the date of the notice of intent;

[(13)] **(16)** “Facility base payroll”, the total amount of taxable wages paid by the enhanced business enterprise to employees of the enhanced business enterprise located at the facility in the twelve months prior to the notice of intent, not including the payroll of owners of the enhanced business enterprise unless the enhanced business enterprise is participating in an employee stock ownership plan. For the purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

[(14)] **(17)** “Governing authority”, the body holding primary legislative authority over a county or incorporated municipality;

[(15)] **(18)** “Megaproject”, any manufacturing or assembling facility, approved by the department for construction and operation within an enhanced enterprise zone, which satisfies the following:

(a) The new capital investment is projected to exceed three hundred million dollars over a period of eight years from the date of approval by the department;

(b) The number of new jobs is projected to exceed one thousand over a period of eight years beginning on the date of approval by the department;

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

[(16)] **(19)** “NAICS”, the [1997] **2007** edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

[(17)] **(20)** “New business facility”, a facility that satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer’s only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only



a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the same or a substantially similar enhanced business enterprise is not continued by the taxpayer at such facility; and

(d) Such facility is not a replacement business facility, as defined in subdivision [(25)] **(28)** of this section;

[(18)] **(21)** “New business facility employee”, an employee of the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.967 **or section 135.969** is claimed, except that truck drivers and rail and barge vehicle operators and other operators of rolling stock for hire shall not constitute new business facility employees;

[(19)] **(22)** “New business facility investment”, the value of real and depreciable tangible personal property, acquired by the taxpayer **or on its behalf in the case of a lease**, as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by **section 135.967 or 135.969** is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

[(20)] **(23)** “New job”, the number of employees located at the facility that exceeds the facility base employment less any decrease in the number of the employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

[(21)] **(24)** “Notice of intent”, a form developed by the department which is completed by the enhanced business enterprise and submitted to the department which states the enhanced business enterprise’s intent

to hire new jobs and request benefits under such program;

[(22)] **(25)** “Related facility”, a facility operated by the enhanced business enterprise or a related company in this state that is directly related to the operation of the project facility;

[(23)] **(26)** “Related facility base employment”, the greater of:

(a) The number of employees located at all related facilities on the date of the notice of intent; or

(b) For the twelve-month period prior to the date of the notice of intent, the average number of employees located at all related facilities of the enhanced business enterprise or a related company located in this state;

[(24)] **(27)** “Related taxpayer”:

(a) A corporation, partnership, trust, or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. “Control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, and “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

[(25)] **(28)** “Replacement business facility”, a facility otherwise described in subdivision [(17)] **(20)** of this section, hereafter referred to in this subdivision as “new facility”, which replaces another facility, hereafter referred to in this subdivision as “old facility”, located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year for which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer’s or related taxpayer’s taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of an enhanced business enterprise and the taxpayer continues the operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer’s new business facility investment, as computed in subdivision [(19)] **(22)** of this section, in the new facility during the tax period for which the credits allowed in section 135.967 **or 135.969** are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

[(26)] **(29)** “Same or substantially similar enhanced business enterprise”, an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.

135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

- (1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and
- (2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:
  - (a) Within the state of Missouri, according to the last decennial census or other appropriate source as approved by the director; or
  - (b) Within the county or city not within a county in which the area is located, according to the last decennial census or other appropriate source as approved by the director; and
- (3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; and
- (4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:
  - (a) The state of Missouri over the previous twelve months; or
  - (b) The county or city not within a county over the previous twelve months.

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100, RSMo, due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a "county of declining population" is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

**4. Notwithstanding the requirements of subsection 1 of this section to the contrary, a certified site zone or a dormant manufacturing plant zone may be designated as an enhanced enterprise zone if the**

**certified site zone or dormant manufacturing plant zone meets the criteria set forth in subdivision (4) of section 135.950 or the dormant manufacturing plant zone meets the criteria set forth in subdivision (10) of section 135.950.**

5. In addition to meeting the requirements of subsection 1, 2, 3, or [3] 4 of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

- (1) The potential to create sustainable jobs in a targeted industry; or
- (2) A demonstrated impact on local industry cluster development.

135.957. 1. A governing authority planning to seek designation of an enhanced enterprise zone shall establish an enhanced enterprise zone board. The number of members on the board shall be seven. One member of the board shall be appointed by the school district or districts located within the area proposed for designation as an enhanced enterprise zone. One member of the board shall be appointed by other affected taxing districts. The remaining five members shall be chosen by the chief elected official of the county or municipality.

2. The school district member and the affected taxing district member shall each have initial terms of five years. Of the five members appointed by the chief elected official, two shall have initial terms of four years, two shall have initial terms of three years, and one shall have an initial term of two years. Thereafter, members shall serve terms of five years. Each commissioner shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

3. A majority of the members shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the board and for all other purposes. Action may be taken by the board upon a vote of a majority of the members present.

4. The members of the board annually shall elect a chair from among the members.

**5. In the case of a certified site zone or a dormant manufacturing plant zone regarding which a finding of blight has been made as provided in subdivision (1) of subsection 1 of section 99.810, the commission created under section 99.820 may, at the sole option of the governing authority, supplant and replace the board established in accordance with subsection 1 of this section, and the composition and organization of such commission shall be in accordance with section 99.820. If the governing authority elects for such commission to serve in the capacity of the enhanced enterprise zone board instead of the board established in accordance with subsection 1 of this section, the commission shall fulfill the duties of the board established under subsection 6 of this section.**

6. The role of the board or commission, as described in subsection 5 of this section, shall be to conduct the activities necessary to advise the governing authority on the designation of an enhanced enterprise zone and any other advisory duties as determined by the governing authority. The role of the board after the designation of an enhanced enterprise zone shall be review and assessment of zone activities as it relates to the annual reports as set forth in section 135.960.

135.960. 1. Any governing authority that desires to have any portion of a city or unincorporated area of a county under its control designated as an enhanced enterprise zone shall hold a public hearing for the purpose of obtaining the opinion and suggestions of those persons who will be affected by such designation.

The governing authority shall notify the director of such hearing at least thirty days prior thereto and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by such designation at least twenty days prior to the date of the hearing but not more than thirty days prior to such hearing. Such notice shall state the time, location, date, and purpose of the hearing. The director, or the director's designee, shall attend such hearing. **In the alternative, any governing authority that has made the necessary findings by ordinance to designate a certified site zone or a dormant manufacturing plant zone as a blighted area as contemplated under subdivision (1) of subsection 1 of section 99.820, prior to December 31, 2010, shall not be required to conduct an additional public hearing to establish the certified site zone or the dormant manufacturing plant zone as an enhanced enterprise zone so long as the governing authority notified the director of such hearing, at least thirty days prior thereto. Any governing authority that seeks to make the necessary finding to designate a certified site zone or a dormant manufacturing plant zone as an enhanced enterprise zone after December 31, 2010, may do so under a public hearing required under sections 99.820 and 99.825 conducted by the commission, and such public hearing shall satisfy the public hearing requirement set forth in subsection 1 of this section so long as the governing authority shall notify the director of such hearing at least thirty days prior thereto.**

2. After a public hearing is held as required in subsection 1 of this section, the governing authority may file a petition with the department requesting the designation of a specific area as an enhanced enterprise zone. Such petition shall include, in addition to a description of the physical, social, and economic characteristics of the area:

(1) A plan to provide adequate police protection within the area;

(2) A specific and practical process for individual businesses to obtain waivers from burdensome local regulations, ordinances, and orders which serve to discourage economic development within the area to be designated an enhanced enterprise zone, except that such waivers shall not substantially endanger the health or safety of the employees of any such business or the residents of the area;

(3) A description of what other specific actions will be taken to support and encourage private investment within the area;

(4) A plan to ensure that resources are available to assist area residents to participate in increased development through self-help efforts and in ameliorating any negative effects of designation of the area as an enhanced enterprise zone;

(5) A statement describing the projected positive and negative effects of designation of the area as an enhanced enterprise zone;

(6) A specific plan to provide assistance to any person or business dislocated as a result of activities within the enhanced enterprise zone. Such plan shall determine the need of dislocated persons for relocation assistance; provide, prior to displacement, information about the type, location, and price of comparable housing or commercial property; provide information concerning state and federal programs for relocation assistance and provide other advisory services to displaced persons. Public agencies may choose to provide assistance under the Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. Section 4601, et seq., to meet the requirements of this subdivision; and

(7) A description or plan that demonstrates the requirements of subsection 4 of section 135.953.

3. An enhanced enterprise zone designation shall be effective upon such approval **or deemed approval**

by the department and shall expire in twenty-five years. **Notwithstanding the requirement of subsection 2 of this section to the contrary, any certified site zone or dormant manufacturing plant zone that has been designated as a blighted redevelopment area as contemplated under subdivision (1) of subsection 1 of section 99.820 by the governing body or any certified site zone or dormant manufacturing plant zone that has been otherwise designated as an enhanced enterprise zone by the governing authority under this section shall be deemed approved and designated as an enhanced enterprise zone without further approval of or additional action being taken by the department. Such approval of the department of the certified site zone or dormant manufacturing plant zone as an enhanced enterprise zone and the designation of the certified site zone or dormant manufacturing plant zone as an enhanced enterprise zone shall be deemed effective when the governing authority provides written notice to the department of its intent to establish such enhanced enterprise zone and such notice is accompanied with a petition that includes all of the information required by subsection 2 of this section.**

4. Each designated enhanced enterprise zone board shall report to the director on an annual basis regarding the status of the zone and business activity within the zone.

135.963. 1. Improvements made to real property as such term is defined in section 137.010, RSMo, which are made in an enhanced enterprise zone subsequent to the date such zone or expansion thereto was designated, may, upon approval of an authorizing resolution by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. In addition to enhanced business enterprises, a speculative industrial or warehouse building constructed by a public entity or a private entity if the land is leased by a public entity may be subject to such exemption.

2. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions, or stipulations otherwise required. A copy of the resolution shall be provided to the director within thirty calendar days following adoption of the resolution by the governing authority.

3. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing.

4. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enhanced enterprise zone of enhanced business enterprises or speculative industrial or warehouse buildings as indicated in subsection 1 of this section shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for enhanced business enterprises. The exemption for speculative buildings is subject to the approval of the governing authority for a period not to exceed two years if the building is owned by a private entity and five years if the building is owned or ground leased by a public entity. This shall not preclude the building receiving an exemption

for the remaining time period established by the governing authority if it was occupied by an enhanced business enterprise. The two- and five-year time periods indicated for speculative buildings shall not be an addition to the local abatement time period for such facility.

5. No exemption shall be granted for a period more than twenty-five years following the date on which the original enhanced enterprise zone was designated **or deemed approved** by the department.

6. The provisions of subsection 1 of this section shall not apply to improvements made to real property begun prior to August 28, 2004.

7. The abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855, 99.957, or 99.1042, RSMo, and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection 1 of section 99.845, RSMo, subdivision (2) of subsection 3 of section 99.957, RSMo, or subdivision (2) of subsection 3 of section 99.1042, RSMo, unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942, or section 99.1027, RSMo.

**8. As applicable, before the provisions of subdivision (7) of subsection 3 of section 137.115 become effective in an enhanced enterprise zone, each local political subdivision that currently levies an ad valorem tax on tangible personal property within the boundaries of the enhanced enterprise zone shall adopt a resolution providing that the provisions of subdivision (7) of subsection 3 of section 137.115 shall apply to tangible personal property in such case.**

135.967. 1. A taxpayer who establishes a new business facility may, upon approval by the department, be allowed a credit, each tax year for up to ten tax years, in an amount determined as set forth in this section, against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo. No taxpayer shall receive multiple [ten-year] **five-year** periods for subsequent expansions at the same facility. **Notwithstanding the provisions of this subsection, the provisions of section 135.969 shall govern the issuance of tax credits for a new business facility in a certified site zone or dormant manufacturing plant zone approved and designated as an enhanced enterprise zone, except for the amount of tax credits to be issued with respect to such certified site zone or dormant manufacturing plant zone as provided in subsection 5 of this section.**

2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes a new business facility in an enhanced enterprise zone and is awarded state tax credits under this section may not also receive tax credits under sections 135.100 to 135.150, sections 135.200 to 135.286, or section 135.535, and may not simultaneously receive tax credits under sections 620.1875 to 620.1890, RSMo, at the same facility.

3. No credit shall be issued pursuant to this section unless:

(1) The number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds two; and

(2) The new business facility investment for the taxable year for which the credit is claimed equals or exceeds one hundred thousand dollars.

4. The annual amount of credits allowed for an approved enhanced business enterprise shall be the lesser of:

(1) The annual amount authorized by the department for the enhanced business enterprise, which shall

be limited to the projected state economic benefit, as determined by the department; or

(2) [The sum calculated based upon] **An amount not to exceed the sum of the following:**

(a) [A credit of four hundred dollars for each new business facility employee employed within an enhanced enterprise zone;

(b) An additional credit of four hundred dollars for each new business facility employee who is a resident of an enhanced enterprise zone] **A tax credit up to five percent of the gross wages of each new business facility employee employed within the enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, up to three percent; and**

**(b) A tax credit up to one percent of new business facility investment within an enhanced enterprise zone made during the current taxable year if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, up to one-half percent;**

(c) An additional credit of four hundred dollars for each new business facility employee who is paid by the enhanced business enterprise a wage that exceeds the average wage paid within the county in which the facility is located, as determined by the department; and

(d) A credit equal to two percent of new business facility investment within an enhanced enterprise zone.

5. Prior to January 1, 2007, in no event shall the department authorize more than four million dollars annually to be issued for all enhanced business enterprises. After December 31, 2006, in no event shall the department authorize more than twenty-four million dollars annually to be issued for all enhanced business enterprises **including any such enhanced business enterprises located in certified site zones or dormant manufacturing plant zones under section 135.969.**

6. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered eligible for the credit allowed by this section if:

(1) The taxpayer's new business facility investment in the expansion during the tax period in which the credits allowed in this section are claimed exceeds one hundred thousand dollars and if the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which credit is claimed equals or exceeds two, and the total number of employees at the facility after the expansion is at least two greater than the total number of employees before the expansion; and

(2) The taxpayer's investment in the expansion and in the original facility prior to expansion shall be determined in the manner provided in subdivision [(19)] **(22)** of section 135.950.

7. The number of new business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the new business facility is in operation for less than the entire taxable year, the number of new business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business



facility which satisfies the requirements of paragraph (c) of subdivision [(17)] **(20)** of section 135.950, or subdivision [(25)] **(28)** of section 135.950, the number of new business facility employees at such facility shall be reduced by the average number of individuals employed, computed as provided in this subsection, at the facility during the taxable year immediately preceding the taxable year in which such expansion, acquisition, or replacement occurred and shall further be reduced by the number of individuals employed by the taxpayer or related taxpayer that was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

8. In the case where a new business facility employee who is a resident of an enhanced enterprise zone for less than a twelve-month period is employed for less than a twelve-month period, the credits allowed by paragraph (b) of subdivision (2) of subsection 4 of this section shall be determined by multiplying four hundred dollars by a fraction, the numerator of which is the number of calendar days during the taxpayer's tax year for which such credits are claimed, in which the employee was a resident of an enhanced enterprise zone, and the denominator of which is three hundred sixty-five.

9. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility pursuant to subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision [(17)] **(20)** of section 135.950 or subdivision [(25)] **(28)** of section 135.950, the amount of the taxpayer's new business facility investment in such facility shall be reduced by the average amount, computed as provided in subdivision [(19)] **(22)** of section 135.950 for new business facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding such expansion or replacement or at the time of acquisition. Furthermore, the amount of the taxpayer's new business facility investment shall also be reduced by the amount of investment employed by the taxpayer or related taxpayer which was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

10. For a taxpayer with flow-through tax treatment to its members, partners, or shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period.

11. Credits may not be carried forward but shall be claimed for the taxable year during which commencement of commercial operations occurs at such new business facility, and for each of the nine succeeding taxable years for which the credit is issued.

12. Certificates of tax credit authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. The sale price cannot be less than seventy-five percent of the par value of such credits.

13. The director of revenue shall issue a refund to the taxpayer to the extent that the amount of credits allowed in this section exceeds the amount of the taxpayer's income tax.

14. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that

the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

**135.969. 1. A taxpayer who establishes a new business facility in a certified site zone or a dormant manufacturing plant zone approved or designated as an enhanced enterprise zone shall receive a tax credit each tax year for five tax years, in an amount determined as set forth in this section, against the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265. No taxpayer shall receive multiple five-year periods for subsequent expansions at the same facility.**

**2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes a new business facility in a certified site zone or dormant manufacturing plant zone approved or designated as an enhanced enterprise zone and accepts state tax credits under this section shall not also receive tax credits or other benefits for the same new jobs under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, section 135.967, or sections 620.1875 to 620.1890 unless such benefits are determined to be necessary by the department.**

**3. The taxpayer shall be entitled to receive the tax credit upon satisfaction of one of the following criteria:**

**(1) The number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds nine; and**

**(2) The new business facility investment for the taxable year for which the credit is claimed equals or exceeds five hundred thousand dollars.**

**4. The annual amount of tax credits to be issued for an enhanced business enterprise located in a certified site zone or dormant manufacturing plant zone shall be equal to the lesser of:**

**(1) The annual amount of projected state economic benefit for such enhanced business enterprise, as determined by the department; or**

**(2) An annual amount equal to the sum of the following:**

**(a) A tax credit equal to seven percent of the gross wages of each new business facility employee employed within the enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, equal to four percent; and**

**(b) A tax credit equal to two percent of new business facility investment within an enhanced enterprise zone if the average wage of the new jobs of the enhanced business enterprise exceeds the county average wage, or if the average wage is below the county average wage, equal to one percent.**

5. As set forth in section 135.967, up to twenty-four million dollars of tax credits shall be authorized annually for issuance of tax credits for all enhanced enterprise zones including any tax credits issued with respect to certified site zones and dormant manufacturing plant zones of which ten million shall be used exclusively for tax credits attributable to taxpayers in accordance with this section who establish new business facilities in a certified site zone qualified as such under subdivision (4) of section 135.950, provided that for calendar years 2010 and 2011, the ten million dollar limitation may be reduced to equal the balance of tax credits available under the entire program if, as of August 28, 2010, the department has made irrevocable allocations to qualified applicants for tax credits under section 135.967 such that the total of all available tax credit capacity of this program is less than ten million dollars. Beginning January 1, 2011, if no such taxpayer or taxpayers have applied for tax credits attributable to new business facilities in a certified site zone qualified as such under subdivision (4) of section 135.950 by November fifteenth of each calendar year for the entire ten million dollars, or such lesser amount as computed for calendar years 2010 and 2011, any remaining tax credits for which an application has not been made will be available for issuance for all enhanced enterprise zones for that calendar year. If a new business facility investment in a certified site zone qualified as such under subdivision (4) of section 135.950 qualifies the taxpayer for tax credits under subsection 4 of this section, in excess of the available annual authorization limit set forth in this subsection, the taxpayer may carry such excess new business facility investment amount forward to subsequent years and such excess shall be treated as a new business facility investment for such later taxable years until the taxpayer has received issuance of all tax credits authorized under this section, and, for each such taxable year, the taxpayer shall receive such tax credits on a pro rata basis with other applicants for the tax credits if there are other applicants.

6. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered eligible for the credit allowed by this section if:

(1) The taxpayer's new business facility investment in the expansion during the tax period in which the credits allowed in this section are claimed exceeds five hundred thousand dollars and if the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which credit is claimed equals or exceeds two, and the total number of employees at the facility after the expansion is at least two greater than the total number of employees before the expansion; and

(2) The taxpayer's investment in the expansion and in the original facility prior to expansion shall be determined in the manner provided in subdivision (22) of section 135.950.

7. The number of new business facility employees during any taxable year shall be determined by dividing by twelve the sum of the number of individuals employed on the last business day of each month of such taxable year. If the new business facility is in operation for less than the entire taxable year, the number of new business facility employees shall be determined by dividing the sum of the number of individuals employed on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision (20) or (28) of section 135.950, the number of new business facility employees at such facility shall be reduced by the average number of individuals employed, computed as provided in this

subsection, at the facility during the taxable year immediately preceding the taxable year in which such expansion, acquisition, or replacement occurred and shall further be reduced by the number of individuals employed by the taxpayer or related taxpayer that was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

8. For the purpose of computing the credit allowed by this section in the case of a facility which qualifies as a new business facility under subsection 6 of this section, and in the case of a new business facility which satisfies the requirements of paragraph (c) of subdivision (20) or (28) of section 135.950, the amount of the taxpayer's new business facility investment in such facility shall be reduced by the average amount, computed as provided in subdivision (22) of section 135.950 for new business facility investment, of the investment of the taxpayer, or related taxpayer immediately preceding such expansion or replacement or at the time of acquisition. Furthermore, the amount of the taxpayer's new business facility investment shall also be reduced by the amount of investment employed by the taxpayer or related taxpayer which was subsequently transferred to the new business facility from another Missouri facility and for which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation, or the establishment of a new facility.

9. For a taxpayer with flow-through tax treatment to its members, partners, or shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period.

10. Except as allowed in subsection 5 of this section, credits may not be carried forward but shall be claimed for the taxable year during which commencement of commercial operations occurs at such new business facility, and for each of the nine succeeding taxable years for which the credit is issued.

11. Certificates of tax credit authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. The sale price cannot be less than seventy-five percent of the par value of such credits.

12. The director of revenue shall issue a refund to the taxpayer to the extent that the amount of credits allowed in this section exceeds the amount of the taxpayer's income tax.

13. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency

**in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.**

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made

by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word “comparable” means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; [and]

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent; **and**

**(7) In any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, tools, telecommunications equipment, power production and transmission machinery and equipment, data processing machinery and equipment, and other machinery and equipment that is used in an enhanced enterprise zone designated as such a zone for a certified site zone as defined in subdivision (4) of section 135.950, one-half of one percent.**

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the

Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

- (1) For real property in subclass (1), nineteen percent;
- (2) For real property in subclass (2), twelve percent; and
- (3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited

to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

144.054. 1. As used in this section, the following terms mean:

(1) "Processing", any mode of treatment, act, or series of acts performed upon materials to transform



or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) “Recovered materials”, those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085, RSMo, and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, RSMo, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business, **and all tangible personal property, including tools, telecommunications equipment, power production and transmission machinery and equipment and data processing machinery and equipment, and any other tools, materials, machinery, or equipment used or consumed in an enhanced enterprise zone designated as such a zone for a certified site zone as defined in subdivision (4) of section 135.950.**

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669, RSMo.

**144.810. 1. As used in this section, unless the context clearly indicates otherwise, the following terms shall mean:**

(1) “Commencement of commercial operations”, shall be deemed to occur during the first calendar year for which the data storage center or server farm facility is first available for use by the operating taxpayer, or first capable of being used by the operating taxpayer, as a data storage center or server farm facility;

(2) “Constructing taxpayer”, where more than one taxpayer is responsible for a project, a taxpayer responsible for the purchase or construction of the facility, as opposed to a taxpayer responsible for the equipping and ongoing operations of the facility;

(3) “Data storage center” or “server farm facility” or “facility”, a facility purchased, constructed, extended, improved or operating under this section, provided that such business facility is engaged in:

(a) Data processing, hosting, and related services (NAICS 518210); or

(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;

(4) “Existing facility”, a data storage center or server farm facility in this state as it existed prior to August 28, 2010, as determined by the department;

(5) “Expanding facility” or “expanding data storage center or server farm facility”, an existing facility or replacement facility that expands its operations in this state on or after August 28, 2010, and has net new investment related to the expansion of operations in this state of at least one million dollars during a period of up to twelve consecutive months. An expanding facility shall continue to be an expanding facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(6) “Expanding facility project” or “expanding data storage center or server farm facility project”, the purchase, construction, extension, improvement equipping and operation of an expanding facility;

(7) “NAICS”, the 2007 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

(8) “New facility” or “new data storage center or server farm facility”, a facility in this state meeting the following requirements:

(a) The facility is acquired by, or leased to, an operating taxpayer on or after August 28, 2010. A facility shall be deemed to have been acquired by, or leased to, an operating taxpayer on or after August 28, 2010, if the transfer of title to an operating taxpayer, the transfer of possession pursuant to a binding contract to transfer title to an operating taxpayer, or the commencement of the term of the lease to an operating taxpayer occurs on or after August 28, 2010, or, if the facility is constructed, erected or installed by or on behalf of an operating taxpayer, such construction, erection or installation is commenced on or after August 28, 2010;

(b) If such facility was acquired by an operating taxpayer from another person or persons on or after August 28, 2010, and such facility was employed prior to August 28, 2010, by any other person or persons in the operation of a data storage center or server farm facility, the facility shall not be

considered a new facility;

(c) Such facility is not a replacement facility, as defined in subdivision (12) of this section;

(d) The new facility project investment is at least five million dollars during a period of up to thirty-six consecutive months. Where more than one taxpayer is responsible for a project, the investment requirement may be met by an operating taxpayer, a constructing taxpayer or a combination of constructing taxpayers and operating taxpayers; and

(e) A new facility shall continue to be a new facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(9) “New data storage center or server farm facility project” or “new facility project”, the purchase, construction, extension, improvement equipping and operation of a new facility;

(10) “Operating taxpayer”, where more than one taxpayer is responsible for a project, a taxpayer responsible for the equipping and ongoing operations of the facility, as opposed to a taxpayer responsible for the purchasing or construction of the facility;

(11) “Project taxpayers”, each constructing taxpayer and each operating taxpayer for a data storage center or server farm facility project;

(12) “Replacement facility” or “replacement data storage center or server farm facility”, a facility in this state otherwise described in subdivision (8) of this section, but which replaces another facility located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating within one year prior to the commencement of commercial operations at the new facility;

(13) “Taxpayer”, the purchaser of tangible personal property or a service that is subject to state or local sales or use tax and from whom state or local sales or use tax is owed. Taxpayer shall not mean the seller charged by law with collecting the sales tax from the purchaser.

2. Beginning August 28, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235:

(1) All electrical energy, gas, water, and other utilities including telecommunication services used in a new data storage center or server farm facility;

(2) All machinery, equipment, and computers used in any new data storage center or server farm facility; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any new data storage center or server farm facility.

3. Any data storage center and server farm facility project seeking a tax exemption under subsection 2 of this section shall submit a project plan to the department of economic development, including identifying each known constructing taxpayer and each known operating taxpayer for the project. The department of economic development shall determine whether the project is eligible for the exemption under subsection 2 of this section conditional upon subsequent verification by the department that the project meets the requirement in paragraph (d) of subdivision (8) of subsection 1 of this section of at least five million dollars of new facility investment over a time period not to

exceed thirty-six consecutive months. The department of economic development shall convey such conditional approval to the department of revenue and the identified project taxpayers. After a conditionally approved new facility project has met the investment amount, the project taxpayers shall provide proof of such investment to the department of economic development. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption dating retroactively to the first day of the thirty-six month period or the first day of the new investment in the event the investment is met in less than thirty-six months. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of the thirty-six month period, or the first day of the new investment in the event the investment is met in less than thirty-six months, shall issue a refund of sales taxes paid as set forth in this section to each operating taxpayer and each constructing taxpayer and issue a certificate of exemption to each new project taxpayer for ongoing exemptions under subdivisions (1), (2), and (3) of subsection 2 of this section.

4. Beginning August 28, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235:

(1) All electrical energy, gas, water, and other utilities including telecommunication services used in an expanding data storage center or server farm facility which, on an annual basis, exceeds the amount of electrical energy, gas, water, and other utilities including telecommunication services used in the existing facility or the replaced facility prior to the expansion. Amount shall be measured in kilowatt hours, gallons, cubic feet or other measures applicable to a utility service as opposed to in dollars, to account for increases in rates;

(2) All machinery, equipment, and computers used in any expanding data storage center or server farm facility, the cost of which, on an annual basis, exceeds the average of the previous three years' expenditures on machinery, equipment, and computers at the existing facility or the replaced facility prior to the expansion. Existing facilities or replaced facilities in existence for less than three years shall have the average expenditures calculated based upon the applicable time of existence; and

(3) All sales at retail of the tangible personal property and materials for the purpose of constructing, repairing, or remodeling any expanding data storage center or server farm facility.

5. Any data storage center and server farm facility project seeking a tax exemption under subsection 4 of this section shall submit an expanding project plan to the department of economic development, including identifying each known constructing taxpayer and each known operating taxpayer for the project. The project applicants shall also provide proof satisfactory to the department of economic development that the facility is an expanding facility and has net new investment related to the expansion of operations in this state of at least one million dollars during a time period not to exceed twelve consecutive months. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption. The department of revenue shall issue a certificate of exemption to each expanding project taxpayer for ongoing exemptions under subdivisions (1), (2) and (3) of subsection 4 of this section.

6. The sales tax exemptions in subsections 2 and 4 of this section shall be tied to the new or expanding facility project. A certificate of exemption in the hands of a taxpayer that is no longer an

operating or constructing taxpayer of the new or expanding facility project shall be invalid as of the date the taxpayer was no longer an operating or constructing taxpayer of the new or expanding facility project. New certificates of exemption shall be issued to successor constructing taxpayers and operating taxpayers at such new or expanding facility projects. The right to the exemption by successor taxpayers shall exist without regard to subsequent levels of investment in the new or expanding facility by successor taxpayers.

7. The department of economic development and the department of revenue shall cooperate in conducting random audits to make certain the intent of this section is followed.

8. The department of economic development and the department of revenue shall jointly prescribe such rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“169.270. Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) “Accumulated contributions”, the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member’s individual account together with interest thereon in the employees’ contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) “Actuarial equivalent”, a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees. **The formulas and tables in effect at any time shall be set forth in a written document which shall be maintained at the offices of the retirement system and treated for all purposes as part of the documents governing the retirement system established by section 169.280. The formulas and tables may be changed from time to time if recommended by the retirement system’s actuary and approved by the board of trustees;**

(3) “Average final compensation”, the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are “consecutive”, only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) “Beneficiary”, any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) “Board of education”, the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) “Board of trustees”, the board provided for in section 169.291 to administer the retirement system;

(7) “Break in service”, an occurrence when a regular employee ceases to be a regular employee for any reason other than retirement (including termination of employment, resignation, or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after sixty consecutive calendar days have elapsed, or after fifteen consecutive school or work days have elapsed, whichever occurs later. A break in service also occurs when a regular employee retires under the retirement system established by section 169.280 and does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A “school or work day” is a day on which the employee’s employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee’s last job description to report to their place of employment for any reason;

(8) “Charter school”, any charter school established pursuant to sections 160.400 to 160.420, RSMo, and located, at the time it is established, within the school district;

(9) “Compensation”, the regular compensation as shown on the salary and wage schedules of the employer, including any amounts paid by the employer on a member’s behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

(10) “Creditable service”, the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) “Employee”, any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to a person classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;

(12) “Employer”, the school district, any charter school, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retirant;

(13) “Employer’s board”, the board of education, the governing board of any charter school, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

(14) “Library district”, any urban public library district created from or within a school district under the provisions of section 182.703, RSMo;

(15) “Medical board”, the board of physicians provided for in section 169.291;

(16) “Member”, any person who is a regular employee after the retirement system has been established hereunder (“active member”), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder (“inactive member”);

(17) “Minimum normal retirement age”, the earlier of the date the member attains the age of sixty or the date the member has a total of at least seventy-five credits, with each year of creditable service and each year of age equal to one credit, with both years of creditable service and years of age prorated for fractional years;

(18) “Prior service”, service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

(19) “Regular employee”, any employee who is assigned to an established position which requires service of not less than twenty-five hours per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee’s status as a regular employee. Except as stated in the preceding sentence, a temporary, part-time, or furloughed employee is not a regular employee;

(20) “Retirant”, a former member receiving a retirement allowance hereunder;

(21) “Retirement allowance”, annuity payments to a retirant or to such beneficiary as is entitled to same;

(22) “School district”, any school district in which a retirement system shall be established under section 169.280.

169.280. 1. In each school district of this state (i) that now has or may hereafter have a population of not more than seven hundred thousand and (ii) not less than seventy percent of whose population resides in a city other than a city not within a county which now has or may hereafter have a population of four hundred thousand or more, according to the latest United States decennial census, there is hereby created and established a retirement system for the purpose of providing retirement allowances and related benefits for employees of the employer. Each such system shall be under the management of a board of trustees herein described, and shall be known as “The Public School Retirement System of (name of school district)”, and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held. When a school district first satisfies the foregoing population conditions, the board of education shall adopt a resolution certifying the same and take all actions necessary to cause the retirement system to begin operation on the thirtieth day of September following such certification.

2. In the event that (i) the population of a school district having a retirement system created hereunder should increase to a number greater than seven hundred thousand, or (ii) the population of the city in which not less than seventy percent of the population of the school district resides should decrease to a number less than four hundred thousand, or (iii) less than seventy percent of the population of the school district should reside in a city having a population of at least four hundred thousand, or (iv) the corporate organization of the school district shall lapse in accordance with subsections 1 and 4 of section 162.081, RSMo, the retirement system of such school district shall continue to be governed by and subject to sections 169.270 to 169.400 and all other statutes, rules, and regulations applicable to retirement systems in school

districts having a population of not more than seven hundred thousand and not less than seventy percent of whose population resides in a city, other than a city not within a county, of four hundred thousand or more, as if the population of such school district and city continued to be within such numerical limits.

**3. The plan of retirement benefits administered by the retirement system established hereby is intended to be a qualified plan under the provisions of applicable federal law. The board of trustees shall interpret the statutes governing the retirement system and shall administer the retirement system in all respects consistent with such intent. The assets of the retirement system shall be held in trust for the exclusive benefit of members and their beneficiaries and for defraying reasonable administrative expenses of the retirement system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purposes other than for such exclusive benefit or for any purpose inconsistent with the requirements of sections 169.270 to 169.400.**

169.301. 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership in accordance with subsection 2 of section 169.324.

**4. In the event of the complete termination of the retirement system established by section 169.280 or the complete discontinuance of contributions to such retirement system, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be fully vested and nonforfeitable.**

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member who retires as an active member on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's



average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993. Provided, however, that, effective January 1, 1996, any retiree who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the retiree elected any of the options available under section 169.326. Provided, further, any retiree who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the retiree elected any of the options available under section 169.326). Any beneficiary of a deceased retiree who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, **provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system.** If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average **final** annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation

earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and the first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the statutory contribution rate;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.328. 1. Should a member cease to be a regular employee, except by retirement, the member, if living, shall be paid on demand, made by written notice to the board of trustees, the amount of the person's accumulated contributions (with interest as determined by the board of trustees as provided in sections 169.270 to 169.400) standing to the credit of the person's individual account in the employees' contribution fund. The accumulated contributions with interest shall not be paid to a member so long as the person remains a regular employee or before the member incurs a break in service. If the member dies before retirement such accumulated contributions (with interest) shall be paid to the member's estate or designated beneficiary unless the provisions of subsection 3 of section 169.326 apply.

2. If a former unvested member's accumulated contributions have not been withdrawn four years after the person has ceased to be a member (other than by reason of death or retirement), the board of trustees shall pay the same to such former member within a reasonable time after the expiration of such four-year period.

3. If, on account of undeliverability, improper mailing or forwarding address, or other similar problem, the board of trustees is unable to refund the accumulated contributions of a former unvested member or to commence payment of retirement benefits within four years after the end of the calendar year in which such former member ceased to be a regular employee, the board may transfer the accumulated contributions to the general reserve fund. If, thereafter, written application is made to the board of trustees for such refund or benefits, the board shall cause the same to be paid from the general reserve fund, but no interest shall be accrued after the end of the fourth year following the end of the calendar year in which such former member ceased to be a regular employee.

4. In its discretion the board of trustees may approve extensions of any time periods in this section on account of a former member's military or naval service, academic study or illness.

**5. Any member or beneficiary who is entitled to receive a distribution that is an eligible rollover distribution, as defined in Section 402(c)(4) of the Internal Revenue Code of 1986, as amended, may elect to have that distribution transferred directly to another eligible retirement plan, as defined in Section 402(c)(8) of the Internal Revenue Code of 1986, as amended, designated by the member or beneficiary in accordance with procedures established by the board of trustees. An eligible rollover distribution shall include a distribution to a nonspouse beneficiary that is treated as an eligible rollover distribution under Section 402(c)(11) of the Internal Revenue Code of 1986, as amended. All such transfers shall be made in compliance with the requirements of Section 401(a)(31) of the Internal Revenue Code of 1986, as amended, and regulations thereunder.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 24, Section B, Line 1, by inserting before all of said Section, Page, and Line the following:

**“Section 1. There is hereby specifically exempted from the provisions of the state and local sales tax law as defined, levied, assessed, payable, or calculated under section 32.085 and sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, all gratuities, whether mandatory or voluntary, provided in conjunction with the receipt of property or services regardless of whether such property or service may be subject to tax under the provisions of chapter 144.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 28, Section 94.832, Line 50, by inserting after all of said line the following:

“137.106. 1. This section [may] **shall** be known and may be cited as “The Missouri Homestead Preservation Act”.

2. As used in this section, the following terms shall mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of revenue;

(3) “Disabled”, as such term is defined in section 135.010, RSMo;

(4) “Eligible owner”, any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to this section; or

(a) In the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to this section did not exceed the maximum upper limit; or

(b) In the case of joint ownership by unmarried persons or ownership by tenancy in common by two or more unmarried persons, such owners shall be considered an eligible owner if each person with an ownership interest individually satisfies the eligibility requirements for an individual eligible owner under this section and the combined income of all individuals with an interest in the property is equal to or less than the maximum upper limit in the year prior to completing an application under this section. If any individual with an ownership interest in the property fails to satisfy the eligibility requirements of an individual eligible owner or if the combined income of all individuals with interest in the property exceeds the maximum upper limit, then all individuals with an ownership interest in such property shall be deemed ineligible owners regardless of such other individual’s ability to individually meet the eligibility requirements; or

(c) In the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner’s spouse: is the settlor of the trust

with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this subsection;

No individual shall be an eligible owner if the individual has not paid [their] **the individual's** property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, except where an eligible owner of the property has made such improvements to accommodate a disabled person;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection 10 of this section. For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For applications filed between December 31, 2008, and December 31, 2011, the homestead exemption limit shall be based on the increase in tax liability from the base year to the year prior to the application year. For applications filed on or after January 1, 2012, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For purposes of this subdivision, the term "base year" means the year prior to the first year in which the eligible owner's application was approved, or 2006, whichever is later;

(7) "Income", federal adjusted gross income, and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as

required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant's age;

(2) That the applicant's prior year income was less than the maximum upper limit;

(3) To the address of the homestead property; and

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value. The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon request for an application, shall:

(1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;

(2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks for inclusion on the form;

(3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April first and October fifteenth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant's age;

(2) That the applicant's prior year income was less than the maximum upper limit;

(3) To the address of the homestead property;

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value[; and].

[(5)]

The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

7. Each applicant shall send the application to the department by October fifteenth of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

8. If application is made in 2005, upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

9. If application is made after 2005, upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

10. The director shall calculate the level of appropriation necessary to set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

11. For applications made in 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be

distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

12. After setting the homestead exemption limit for applications made in 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation and assessment fund allocation to the county collector's funds of each county or the treasurer ex officio collector's fund in counties with a township form of government where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector or the treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to the collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

13. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall determine the apportionment percentage by equally apportioning the appropriation among all eligible applicants on a percentage basis. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

14. After determining the apportionment percentage, the director shall calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in



no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

16. In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to January first of the year in which the credit would otherwise be applied, the credit shall be void and any corresponding moneys, pursuant to subsection 12 of this section, shall lapse to the state to be credited to the general revenue fund. In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.

17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18. [In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.] **Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2016, unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall automatically**

**sunset on December 31, 2022; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 9**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 13, Section 67.2000, Line 237, by inserting after all of said line the following:

“78.090. **1.** Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall be nominated by a primary election, **except as provided in this section**, and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

**2. (1) In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.**

**(2) Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.**

**(3) Under the requirements of section 115.023, the city clerk shall notify the requisite election authority who shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words “Vote for (number to be elected)”. The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot.”; and**

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to section 78.090 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 10**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“274.180. Each association organized hereunder shall pay an annual fee of ten dollars only, in lieu of all franchise or license or corporation or other taxes, or taxes, **or state sales taxes**, or charges upon reserves held by it for members.

349.045. [1. Except as provided in subsection 2 of this section,] The corporation shall have a board of directors in which all the powers of the corporation shall be vested and which shall consist of any number of directors, not less than five, all of whom shall be duly qualified electors of and taxpayers in the county or municipality; except that, for any industrial development corporation formed by any municipality located wholly within any county of the second, third, or fourth classification, directors may be qualified taxpayers in and registered voters of such county. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. The directors shall be resident taxpayers for at least one year immediately prior to their appointment. No director shall be an officer or employee of the county or municipality. All directors shall be appointed by the chief executive officer of the county or municipality with the advice and consent of a majority of the governing body of the county or municipality, and in all counties, other than a city not within a county and counties with a charter form of government, the appointments shall be made by the county commission and they shall be so appointed that they shall hold office for staggered terms. At the time of the appointment of the first board of directors the governing body of the municipality or county shall divide the directors into three groups containing as nearly equal whole numbers as may be possible. The first term of the directors included in the first group shall be two years, the first term of the directors included in the second group shall be four years, the first term of the directors in the third group shall be six years; provided, that if at the expiration of any term of office of any director a successor thereto shall not have been appointed, then the director whose term of office shall have expired shall continue to hold office until a successor shall be appointed by the chief executive officer of the county or municipality with the advice and consent of a majority of the governing body of the county or municipality. The successors shall be resident taxpayers for at least one year immediately prior to their appointment.

[2. A corporation in a county of the third classification without a township form of government and with more than ten thousand four hundred but fewer than ten thousand five hundred inhabitants shall have a board of directors in which all the powers of the corporation shall be vested and which shall consist of a number of directors not less than the number of townships in such county. All directors shall be duly qualified electors of and taxpayers in the county. Each township within the county shall elect one director to the board. Additional directors may be elected to the board to succeed directors appointed to the board as of the effective date of this section if the number of directors on the effective date of this section exceeds the number of townships in the county. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in the performance of their duties. The directors shall be resident taxpayers for at least one year immediately prior to their election. No director shall be an officer or employee of the county. Upon the expiration of the term of office of any director appointed to the board prior to the effective date of this section, a director shall be elected to succeed him or her; provided that if at the expiration of any term of office of any director a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until a successor shall be elected. The successors shall be resident taxpayers for at least one year immediately prior to their election.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 24, Section 473.742, Line 63, by inserting after all of said section and line the following:

“559.100. 1. The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in sections 195.275 to 195.296, RSMo, section 558.018, RSMo, section 559.115, section 565.020, RSMo, sections 566.030, 566.060, 566.067, 566.151, and 566.213, RSMo, section 571.015, RSMo, and subsection 3 of section 589.425, RSMo.

2. The circuit court shall have the power to revoke the probation or parole previously granted and commit the person to the department of corrections. The circuit court shall determine any conditions of probation or parole for the defendant that it deems necessary to ensure the successful completion of the probation or parole term, including the extension of any term of supervision for any person while on probation or parole. The circuit court may require that the defendant pay restitution for his crime. The probation or parole may be revoked for failure to pay restitution or for failure to conform his behavior to the conditions imposed by the circuit court. The circuit court may, in its discretion, credit any period of probation or parole as time served on a sentence.

**3. Restitution, whether court ordered as provided in subsection 2 of this section or agreed to by the parties, or as enforced under section 558.011, shall be paid through the office of the prosecuting attorney or circuit attorney. Nothing in this section shall prohibit the prosecuting attorney or circuit attorney from contracting with or utilizing another entity for the collection of restitution and costs under this section. When ordered by the court, interest shall be allowed under subsection 1 of section 408.040. In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action to collect restitution shall collect from the person paying restitution an administrative handling cost. The cost shall be twenty-five dollars for restitution less than one hundred dollars and fifty dollars for restitution of one hundred dollars but less than two hundred fifty dollars. For restitution of two hundred fifty dollars or more an additional fee of ten percent of the total restitution shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. In addition to the administrative handling costs, an installment cost shall be assessed in the amount of two dollars per installment, excepting the first installment, until such total amount of restitution is paid in full. Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. This fund shall be known as the “Administrative Handling Cost Fund”, and it shall be the fund for deposits under this section and under section 570.120. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that authorized by subsection 4 of this section. Notwithstanding the provisions of any other law, in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per each crime victim to whom restitution is paid for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765. All moneys collected under this section which are payable to the Missouri office of prosecution services fund shall be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit the amount collected to the credit of the Missouri office of prosecution services fund under the procedure established under subsection 2 of section 56.765. As used in this subsection, “crime victim” means any natural person or their survivors or legal guardians, the estate of a deceased person, a for-profit corporation or business entity, a nonprofit corporation or entity, a charitable entity, or any governmental body or a political subdivision thereof.**

**4. The moneys deposited in the administrative handling cost fund may be used by the prosecuting attorney or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the prosecuting or circuit attorney in the operation of that office.**

**5. The administrative handling cost fund may be audited by the state auditor's office or the appropriate auditing agency.**

**6. If the moneys collected and deposited into the administrative handling cost fund are not totally expended annually, then the unexpended balance shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.**

**7. Nothing in this section shall be construed to prohibit a crime victim from pursuing other lawful remedies against a defendant for restitution.**

559.105. 1. Any person who has been found guilty [of] or has pled guilty [to a violation of subdivision (2) of subsection 1 of section 569.080, RSMo, or paragraph (a) of subdivision (3) of subsection 3 of section 570.030, RSMo,] **to an offense** may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to[, the following:

(1)] a victim's reasonable expenses to participate in the prosecution of the crime[;

(2) A victim's payment for any repairs or replacement of the motor vehicle, watercraft, or aircraft; and

(3) A victim's costs associated with towing or storage fees for the motor vehicle caused by the acts of the defendant].

2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court shall order the maximum term of probation allowed for such offense.

3. Any person eligible to be released on parole [for a violation of subdivision (2) of subsection 1 of section 569.080, RSMo, or paragraph (a) of subdivision (3) of subsection 3 of section 570.030, RSMo, may] **shall** be required, as a condition of parole, to make restitution pursuant to this section. The board of probation and parole shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served.

**4. The court may set an amount of restitution to be paid by the defendant. Said amount may be taken from the inmate's account at the department of corrections while the defendant is incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting attorney or circuit attorney may refer any failure to make such restitution as a condition of conditional release or parole to the parole board for enforcement.**

570.120. 1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, the person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) The person makes, issues, or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order, or other form of presentment involving the transmission of account information in full and all other checks, sight orders, or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, “actual notice in writing” means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense.

4. Passing bad checks is a class A misdemeanor, unless:

(1) The face amount of the check or sight order or the aggregated amounts is five hundred dollars or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, in which cases passing bad checks is a class C felony.

5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action pursuant to the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be twenty-five dollars for checks of less than one hundred dollars, and fifty dollars for checks of one hundred dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections 50.525 to 50.745, RSMo, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. **This fund shall be known as the “Administrative Handling Cost Fund”, and it shall be the fund for deposits under this section and under section 559.100.** The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that previously authorized in this section. Any revenues that are not required for the purposes of this section may be placed in the general revenue fund of the county or city not within a county. Notwithstanding any law to the contrary, in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per check for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765, RSMo. All moneys collected pursuant to this section which are payable to the Missouri office of prosecution services fund shall be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit the amount collected pursuant to the credit of the Missouri

office of prosecution services fund under the procedure established pursuant to subsection 2 of section 56.765, RSMo.

(2) The moneys deposited in the **administrative handling cost** fund may be used by the prosecuting or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the circuit or prosecuting attorney in operation of that office.

(3) [This] **The administrative handling cost** fund may be audited by the state auditor's office or the appropriate auditing agency.

(4) If the moneys collected and deposited into [this] **the administrative handling cost** fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year.

6. Notwithstanding any other provision of law to the contrary:

(1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued;

(2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument.

7. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check.”; and

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said section and line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to sections 559.100, 559.105, and 570.120 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 2, Section 48.020, Line 33, by inserting after all of said line the following:

“67.110. 1. Each political subdivision in the state, except counties and any political subdivision located at least partially within any county with a charter form of government or any political subdivision located at least partially within any city not within a county, shall fix its ad valorem property tax rates as provided

in this section not later than September first for entry in the tax books. Each political subdivision located, at least partially, within a county with a charter form of government or within a city not within a county shall fix its ad valorem property tax rates as provided in this section not later than October first for entry in the tax books for each calendar year after December 31, 2008. Before the governing body of each political subdivision of the state, except counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall present to its governing body the following information for each tax rate to be levied: the assessed valuation by category of real, personal and other tangible property in the political subdivision as entered in the tax book for the fiscal year for which the tax is to be levied, as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivisions for the preceding taxable year, the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rate proposed to be set. Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by [September first] **the date provided under this section for such political subdivision**, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year.

2. The governing body shall hold at least one public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The governing body shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one newspaper qualified under the laws of the state of Missouri of general circulation in the county within which all or the largest portion of the political subdivision is situated, or such notice shall be posted in at least three public places within the political subdivision; except that, in any county of the first class having a charter form of government, such notice may be published in a newspaper of general circulation within the political subdivision even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the political subdivision for the fiscal year for which the tax is to be levied as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivision for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this chapter. Following the hearing the governing body of each political subdivision shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this section absolves political subdivisions of responsibilities under section 137.073, RSMo, nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

3. Each political subdivision of the state shall fix its property tax rates in the manner provided in this section for each fiscal year which begins after December 31, 1976. New or increased tax rates for political subdivisions whose taxes are collected by the county collector approved by voters after September first of any year shall not be included in that year's tax levy except for any new tax rate ceiling approved pursuant to section 71.800, RSMo.

4. In addition to the information required under subsections 1 and 2 of this section, each political subdivision shall also include the increase in tax revenue due to an increase in assessed value as a result of



new construction and improvement and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.”; and

Further amend said bill, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“137.243. 1. To determine the “projected tax liability” required by subsections 2 and 3 of section 137.180, subsection 2 of section 137.355, and subsection 2 of section 137.490, the assessor, on or before March first of each **odd-numbered** tax year, shall provide the clerk with the assessment book which for this purpose shall contain the real estate values for that year, the prior year’s state assessed values, and the prior year’s personal property values. On or before March fifteenth, the clerk shall make out an abstract of the assessment book showing the aggregate amounts of different kinds of real, personal, and other tangible property and the valuations of each for each political subdivision in the county, or in the city for any city not within a county, entitled to levy ad valorem taxes on property except for municipalities maintaining their own tax or assessment books. The governing body of each political subdivision or a person designated by the governing body shall use such information to informally project a nonbinding tax levy for that year and return such projected tax levy to the clerk no later than April eighth. The clerk shall forward such information to the collector who shall then calculate and, no later than April thirtieth, provide to the assessor the projected tax liability for each real estate parcel for which the assessor intends to mail a notice of increase pursuant to sections 137.180, 137.355, and 137.490.

2. Political subdivisions located at least partially within two or more counties, which are subject to divergent time requirements, shall comply with all requirements applicable to each such county and may utilize the most recent available information to satisfy such requirements.

3. Failure by an assessor to timely provide the assessment book or notice of increased assessed value, as provided in this section, may result in the state tax commission withholding all or a part of the moneys provided under section 137.720 and all state per-parcel reimbursement funds which would otherwise be made available to such assessor.

4. Failure by a political subdivision to provide the clerk with a projected tax levy in the time prescribed under this section shall result in a twenty percent reduction in such political subdivision’s tax rate for the tax year, unless such failure is a direct result of a delinquency in the provision of, or failure to provide, information required by this section by the assessor or the clerk. If a political subdivision fails to provide the projected tax rate as provided in this section, the clerk shall notify the state auditor who shall, within seven days of receiving such notice, estimate a nonbinding tax levy for such political subdivision and return such to the clerk. The clerk shall notify the state auditor of any applicable reduction to a political subdivision’s tax rate.

5. Any taxing district wholly within a county with a township form of government may, through a request submitted by the county clerk, request that the state auditor’s office estimate a nonbinding projected tax rate based on the information provided by the county clerk. The auditor’s office shall return the projected tax rate to the county clerk no later than April eighth.

6. The clerk shall deliver the abstract of the assessment book to each taxing district with a notice stating that their projected tax rates be returned to the clerk by April eighth.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 13

Amend House Amendment No.13 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 1, Line 6, by inserting after the word **“inhabitants”** the following:

**“or a city of the fourth classification with more than ten thousand eight hundred but less than eleven thousand inhabitants”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after said line the following:

**“171.185. No school district located in any city of the third classification with more than forty-six thousand eight hundred but fewer than forty-seven thousand inhabitants shall operate a recycling or material recovery center within one thousand feet of a residential property.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 14

Amend House Amendment No. 14 to Senate Bill No. 808, Page 1, Line 3, by deleting all of said line and inserting in lieu thereof the following:

**“67.1003. 1. The governing body of the following cities and counties may impose a tax as provided in this section:**

**(1)** Any city or county, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state, having more than three hundred fifty hotel and motel rooms inside such city or county;

**[(1)] (2)** A county of the third classification with a population of more than seven thousand but less than seven thousand four hundred inhabitants;

**[(2) or] (3)** A third class city with a population of greater than ten thousand but less than eleven thousand located in a county of the third classification with a township form of government with a population of more than thirty thousand;

**[(3) or] (4)** A county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-one thousand;

**[(4) or] (5)** Any third class city with a population of more than eleven thousand but less than thirteen thousand which is located in a county of the third classification with a population of more than twenty-three thousand but less than twenty-six thousand;

**[(5) or] (6)** Any city of the third classification with more than ten thousand five hundred but fewer than ten thousand six hundred inhabitants;

**[(6) or] (7)** Any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants;

**(8) Any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county.**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

[2.] **3.** Notwithstanding any other provision of law to the contrary, the tax authorized in this section shall not be imposed in any city or county already imposing such tax pursuant to any other law of this state, except that cities of the third class having more than two thousand five hundred hotel and motel rooms, and located in a county of the first classification in which and where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such county is imposed, may impose the tax authorized by this section of not more than one-half of one percent per occupied room per night.

[3.] **4.** The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

**If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.**

[4.] **5.** As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

**67.1018. 1. The governing body of any county of the third classification without a township “; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Section 67.1000, Page 3, Line 40, by inserting the following after all of said Line:

**“67.1018. 1. The governing body of any county of the third classification without a township form of government and with more than five thousand nine hundred but fewer than six thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds, cabins, and any docking facility which rents**

slips to recreational boats which are used by transients for sleeping, situated in the county or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general or primary election a proposal to authorize the governing body of the county to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and fifty percent of the proceeds of such tax shall be used by the county to fund law enforcement with the remaining fifty percent of such proceeds to be used to fund the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the county) impose a tax on the charges for all sleeping rooms, cabins, or campsites occupied and rented by transient guests and any docking facility which rents slips to recreational boats which are used by transients for sleeping, situated in ..... (name of county) at a rate of ..... (insert rate of percent) percent for the benefit of the county?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters of the county voting on the question.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 1, Section A, Line 4, by inserting after all of said line the following:

“34.074. 1. As used in this section, the term “service-disabled veteran” means any individual who is disabled as certified by the appropriate federal agency responsible for the administration of veterans’ affairs.

2. As used in this section, the term “service-disabled veteran business” means a business concern:

(1) Not less than fifty-one percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than fifty-one percent of the stock of which is owned by one or more service-disabled veterans; and

(2) The management and daily business operations of which are controlled by one or more service-disabled veterans.

3. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give a **three-point bonus** preference to **service**-disabled veteran businesses doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business[, when the quality of performance promised is equal or better and the price quoted is the same or less. The commissioner of administration

may also give such preference whenever competing bids, in their entirety, are comparable].

4. In implementing the provisions of subsection 3 of this section, the following shall apply:

(1) The commissioner of administration shall have the goal of three percent of all such contracts described in subsection 3 of this section to be let to such veterans;

(2) If no **or an insufficient number of** such veterans doing business in this state [meet the quality of performance and price standards required in subsection 3 of this section] **submit a bid or proposal for a contract let by an agency, department, institution, or other entity of the state or a political subdivision,** such [preference] goal shall not be required **and the provisions of subdivision (1) of this subsection shall not apply.**”;and

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to section 34.074 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events, **except that no tax shall be levied and imposed on the amount paid for any amount paid to any yoga studio or other similar facility at which yoga is practiced or taught;**

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the Internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of “sale at retail” as defined in [subdivision (8) of] section 144.010 or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words “This ticket is subject to a sales tax.”; and

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to section 144.020 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Section 48.020, Page 2, Line 33, by inserting the following after all of said Section and Line:

**“67.314. 1. The provisions of this section shall apply to contracts for construction awarded by political subdivisions of the state of Missouri and shall be known as the “Political Subdivision Construction Bidding Standards Act”.**

**2. As used in this section, the following terms mean:**

**(1) “Contracts for construction”, the construction, alteration, or repair of any building, structure, highway, bridge, street, viaduct, water or sewer line or system, pipeline, demolition, moving, or excavation connected therewith, and shall include the furnishing of surveying, construction engineering, planning or management services, or labor, material, or equipment, as required to perform work under the contract for construction;**

(2) “Established local construction procurement policy”, a policy and procedure for use in soliciting bids for multiple construction projects that has been officially adopted by the governing body of the political subdivision or established by the public works director, engineer, or similar official authorized by the political subdivision to administer the award of construction contracts.

3. Nothing in this section shall be construed to require the design or engineering of any project, as the term “project” is defined in section 8.287, to be awarded by competitive bidding if the contract for such services is under a separate contract from a contract for construction and is awarded under sections 8.285 to 8.291, or to construction management services governed by sections 8.675 to 8.687. Neither shall this section be construed to apply to contracts awarded for the design/build method of project delivery, if the political subdivision’s procurement of design/build projects is otherwise authorized by statute.

4. If a political subdivision is not subject to a specific requirement for advertising for bids or soliciting, awarding, or rejecting bids under Missouri statutes or rules, or federal or state funding requirements, and if the political subdivision has not adopted an established local construction procurement policy that is applicable to the specific political subdivision regarding contracts for construction, the political subdivision shall comply with the following provisions when soliciting bids and awarding construction contracts of ten thousand dollars or more:

(1) Contracts for construction shall be advertised in advance of the acceptance of bids. If no provision of Missouri statutes or rules, or federal or state funding requirements, or established local construction procurement policy requiring advertising otherwise applies, bids shall be solicited by advertisement once a week for two consecutive weeks in a newspaper of general circulation, qualified under chapter 493, located in a county where the political subdivision is located. If there is no newspaper in the county qualified under chapter 493, advertisements may be placed in a newspaper in an adjoining county. The last insertion of the advertisement shall be not less than ten days before the date stated in the advertisement for acceptance of bids. For contracts for construction of over two hundred fifty thousand dollars, bids shall also be advertised by providing project and bid solicitation information at least fifteen days in advance of bid opening to one or more commercial or not-for-profit organization, which provides construction project reporting services to construction contractors and suppliers, or that operates internet or paper plan rooms for the use of contractors, subcontractors, and suppliers. Project advertisements and bid solicitations shall state the date and time of the deadline for the acceptance of bids, the place for submission of bids, and shall provide for informing bidders of the date, time, and place where bids shall be opened;

(2) If no provision of Missouri statute or rules, or federal or state funding requirements, or established local construction procurement policy otherwise applies, contracts for construction shall be awarded in compliance with this subdivision. The contract shall be awarded to the lowest qualified responsible bidder submitting a bid which is responsive to the contract as advertised by the political subdivision. The political subdivision may reject the low bidder by declaring the bidder ineligible for contract award based on the bidder’s failure to provide a performance or payment bond as required by section 107.170, the bidder’s nonperformance on previous contracts with the political subdivision, or for other reasons specified as to the bidder’s inability to adequately perform the contract. The reasons for bid rejection or award of the contract to another bidder shall be stated in writing to the low bidder within five business days of the rejection of the bid.

**5. An established local construction procurement policy complies with this section if it provides for advertising of construction contracts in a manner reasonably likely to inform potential bidders of the project on a timely basis, including advertisement in a newspaper of general circulation qualified under chapter 493, and requires that the date, time, and place for submission of bids be stated in the advertisement or solicitation for bids and provides for informing bidders of the date, time, and place bids will be opened. Such established local construction procurement policy shall also state any requirements for prequalification of bidders. If any additional project-specific qualifications are established, such qualifications shall be stated to potential bidders in advance of submission of bids. The established local construction procurement policy shall also state the bid award standard to be used in selecting contractors to perform contracts under the policy.**

**6. In award of contracts for construction, a political subdivision is prohibited from acting in an arbitrary or capricious manner, and shall act in good faith.**

**7. Notwithstanding any other provision of state law, state rule, or federal or state funding requirement to the contrary or any provision of an established local construction procurement policy, no contract for construction shall be awarded in violation of the following requirements:**

**(1) No bid shall be opened or contract awarded in advance of the advertised deadline for submission of bids. No bid shall be opened in a place other than that established in subdivision (4) of this subsection;**

**(2) No bid shall be accepted unless it is sealed and is in writing. If the letting of the project for which bids were solicited is cancelled, bids shall be returned to the bidder unopened;**

**(3) No bid shall be accepted after the advertised deadline for acceptance of bids;**

**(4) All bids received shall be held secure and confidential from all persons until the bids are opened on the date and at the time and place established in this section. Bids shall be opened in a public meeting on the date and at the time and place stated in the advertisement and request for bids or in an amended request for bids communicated to all known bidders or potential bidders. If the date, time, or place of bid opening is changed from information stated in the original or amended advertisement or solicitation for bids or other notice to bidders, notice of the date, time, and place of bid opening shall be made to all known or potential bidders and the general public at least two business days in advance of the bid opening. Bids shall be opened in a public meeting. No political subdivision shall bar any person or persons from observing the bid opening;**

**(5) No construction contract shall be awarded in substantial violation of a state statute or a political subdivision's established local construction procurement policy;**

**(6) No construction contract shall be awarded in violation of section 107.170 requiring performance and payment bonds.**

**8. Nothing in this section shall be construed to prohibit acceptance and processing of bids through an established program of electronic bidding by computer, provided bids accepted and processed electronically shall meet standards established by the requirements of the electronic bidding program which are comparable to requirements for written bids established by this section.**

**9. Any person submitting a bid for a contract for construction may file an action for any violation of subsection 6 or 7 of this section or sections 34.203 to 34.216, and shall have standing to seek**



equitable relief and monetary damages in a court of competent jurisdiction for monetary losses resulting from violations of subsection 6 or 7 of this section or section 34.203 to 34.216, including but not limited to, setting aside award of a contract, ordering a contract to be rebid, requiring award of a contract to a different bidder than originally awarded, awarding monetary damages deemed appropriate by the court, including award of reasonable attorney's fees, or awarding a combination of such forms of relief. If a person would have submitted a bid, except for violation of subdivision (1) of subsection 7 of this section or sections 34.203 to 34.216, such person shall have standing to pursue the rights and remedies provided by this subsection. Any action for violation of subsection 6 or 7 of this section that is brought by the contractor more than fifteen business days after the award of a contract shall be dismissed by the court. If the court finds there has been fraud, collusion, or corruption, or if the court finds there have been violations of subsection 6 or 7 of this section or sections 34.203 to 34.216 in award of the contract and awards monetary damages or equitable relief to the contractor bringing the action, the court may also award attorney's fees to the contractor bringing the action. If the court finds there is no substantial cause for the action or determines that the action was brought by the contractor for purposes of harassment or disruption of the awarded contract, the court may order the contractor to pay the political subdivision's costs of attorney's fees.

10. Nothing in this section shall be construed to prohibit the political subdivision from rejecting any and all bids. Neither shall anything in this section prohibit a political subdivision from awarding contracts without competitive bidding when the political subdivision deems it necessary to remove an immediate danger to the public health or safety, to prevent loss to public or private property which requires government action, or to prevent an interruption of or to restore an essential public service.

11. Nothing in this section shall be construed to prohibit a political subdivision from adopting an established local construction procurement policy governing contracts for construction after the effective date of this section. Neither shall this section be construed to allow a political subdivision to maintain or enact any provision governing construction contracts in conflict with subsection 6 or 7 of this section or any state statute in effect on the effective date of this section or as subsequently amended or enacted.”; and

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to section 67.314 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 18

Amend House Amendment No. 18 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 3, Line 14, by inserting after said line the following:

“Further amend said bill, Page 24, Section 473.742, Line 63 by inserting after said line the following:

“**640.116. 1. Any water system that serves a charitable or benevolent organization, if the system does not regularly serve an average of one hundred persons or more at least sixty days out of the year and the system does not serve a school or day-care facility, shall be exempt from all rules relating to well construction except any rules established under sections 256.600 to 256.640 applying to multifamily wells, unless such wells or pump installations for such wells are determined to present**

**a threat to groundwater or public health.**

**2. If the system incurs three or more total coliform maximum contaminant level violations in a twelve-month period or one acute maximum contaminant level violation, the system owner shall either provide an alternate source of water, eliminate the source of contamination, or provide treatment that reliably achieves at least 4-log (ninety-nine and ninety-nine one-hundredths percent) treatment of viruses.**

**3. Notwithstanding this or any other provision of law to the contrary no facility otherwise described in 640.116.1 shall be required to replace, change, upgrade or otherwise be compelled to alter an existing well constructed prior to August 28, 2010, unless such well is determined to present a threat to groundwater or public health or contains the contaminant levels referred to in 640.116.2.”; and”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 18**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Section 94.832, Page 21, Line 50, by inserting after all of said line the following:

**“260.244. 1. This section shall be known and may be cited as the “Missouri Soil Enrichment Initiative”.**

**2. For purposes of this section, the following terms shall mean:**

**(1) “Commercial compost facility” or “commercial composting facility”, any compost or composting facility that receives financial compensation for accepting organic material for composting or from the sale of compost produced, excluding local government owned and operated compost facilities and compost facilities operated by elementary and secondary schools or institutions of higher education;**

**(2) “Compost”, the end product of a composting process;**

**(3) “Composting”, the controlled biological decomposition of organic materials to produce a stable humus-like product;**

**(4) “Composting facility” or “compost facility”, a solid waste processing facility using a controlled process of microbial degradation of organic material which was not source-separated into a stable, nuisance-free humus-like product;**

**(5) “Department”, the Missouri department of natural resources;**

**(6) “Local government owned compost facility”, any compost facility that is owned and operated by a city or county government or unit of city or county government;**

**(7) “Organic material”, matter that comes from a once-living organism and is capable of decay.**

**3. The department shall maintain a registry of commercial compost facilities and local government owned compost facilities in this state. Such registry shall be easily accessible to the public through the department’s website and identify registered compost facilities by location.**

**4. Commercial compost facility owners or operators in operation prior to January 1, 2011, shall register and begin paying an annual registration fee to the department no later than January 31, 2011,**

and thereafter each January thirty-first until the commercial composting facility ceases operation and all compost is removed from the facility. The department shall issue the commercial composting facility owner or operator a registration certificate which shall be valid for the calendar year.

5. Commercial compost facility owners and operators commencing operation after January 1, 2011, shall register with the department prior to accepting or composting organic material. Each owner or operator of a commercial compost facility registering after January 31, 2011, shall pay an initial prorated annual registration fee. The prorated annual registration fee shall be determined by dividing the appropriate annual fee in subsection 9 of this section by the number of months remaining in the calendar year from the date of the application submittal. Such prorated annual registration amount shall be due from the applicant prior to the issuance by the department of the registration certificate. The commercial compost facility owner or operator shall thereafter follow the requirements set forth in subsection 4 of this section for payment of the annual registration fee.

6. Local government owned compost facilities in operation prior to January 1, 2011, shall register with the department no later than January 31, 2011, and thereafter each January thirty-first until the local government owned compost facility ceases operation and all compost is removed from the facility. The department shall issue the local government owned compost facility owner or operator a registration certificate which shall be valid for the calendar year.

7. Local government owned compost facility owners and operators commencing operation after January 1, 2011, shall register with the department prior to accepting or composting organic material. The local government owned compost facility owner and operator shall thereafter follow the requirements set forth in subsection 6 of this section for annual registration.

8. The registration and annual fee shall be accompanied by documentation demonstrating the compost facility is in compliance with all applicable permits including exemptions and local planning or zoning ordinances or a statement that local planning and zoning does not exist in the area and no permits are required.

9. From each owner and operator of a registered commercial compost facility, the department shall collect a fee based on the combined size of the facility and any affiliated areas such as those used for access roads, buffer zones, and storm water diversion structures as follows:

- (1) Less than or equal to five acres, five hundred dollars;
- (2) More than five acres but less than or equal to twenty acres, one thousand dollars;
- (3) Greater than twenty acres, two thousand five hundred dollars.

10. Each registered composting facility owner or operator shall file an annual report with the department. Each owner or operator shall report to the department: the name of the owner and operator; the complete mailing address of the owner and operator, the facility's physical address or addresses, telephone number, the amount of organic material received during the prior calendar year, the estimated amount of compostable material on-hand at the facility on the date the annual report is prepared, and a statement certifying the facility and any affiliated transfer facility or facilities are being operated in a manner that prevents nuisances and minimizes anaerobic conditions. Such registered compost facility owners or operators required to pay an annual fee shall submit such fee along with the compost facility's annual report.

**11. Each commercial composting facility owner or operator shall submit the annual registration fee collected under this section to the department of natural resources for deposit in the solid waste management fund. All such fees shall be used to fund the operating costs of the department's solid waste management program. The provisions of section 33.080 to the contrary notwithstanding, moneys in the account from collection of the annual registration fee shall not lapse to general revenue at the end of each biennium.**

**12. The department may examine records and measure acreage used by the commercial compost facility to verify payment of the appropriate annual registration fee established in this section.**

**13. This section shall not apply to agricultural composting facilities or residential composting facilities where the end product is intended entirely for personal use and not for resale.**

**14. The department may promulgate by rule and regulation procedures to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 19**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Section 94.832, Page 21, Line 50, by inserting after all of said section the following:

**“143.1016. 1. For all taxable years beginning on or after January 1, 2011, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that two dollars or any amount in excess of two dollars on a single return, and four dollars or any amount in excess of four dollars on a combined return, of the refund due be credited to the organ donor program fund established in section 194.297. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the organ donor program fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, clearly designated for the organ donor program fund, the amount the individual or corporation wishes to contribute. The department of revenue shall deposit such amount to the organ donor program fund as provided in subsection 2 of this section.**

**2. The director of revenue shall transfer at least monthly all contributions designated by individuals and corporations under this section, less an amount sufficient to cover the cost of collecting and handling by the department of revenue which shall not exceed five percent of the transferred contributions, to the state treasurer for deposit in the state treasury to the credit of the organ donor program fund. A contribution designated under this section shall only be transferred and deposited in the organ donor program fund after all other claims against the refund from which such contribution is to be made have been satisfied.**

**3. All moneys transferred to the fund shall be distributed as provided in this section and sections**

**194.297 and 194.299.****4. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to Section 143.1016.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 20**

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“304.582. 1. Upon the first conviction or plea of guilty by any person for a moving violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone. Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized to be imposed by law.

2. Upon the first conviction or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 4 of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law if the offense occurred within a construction zone or a work zone and at the time the speeding or passing violation occurred there was any highway worker in such zone. Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section, and no person shall be assessed an additional fine under this subsection if no signs have been posted under subsection 3 of this section.

3. The penalty authorized by subsection 2 of this section shall only be assessed by the court if the department of transportation or a contractor or subcontractor performing work for the department of transportation has erected signs upon or around a construction zone or work zone which are clearly visible from the highway and which state substantially the following message: “Warning: Minimum \$250 fine for speeding or passing in this work zone when workers are present.”.

4. The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone as provided in this subsection. Violation of this subsection is a class C misdemeanor.

(1) This subsection applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane and not pass by appropriate signs or traffic control devices erected by the department of transportation or a contractor or subcontractor performing work for the department of transportation.

(2) This subsection also prohibits the operator of a motor vehicle from passing or attempting to pass another motor vehicle in a work zone or construction zone located upon a two-lane highway when highway workers or equipment are working and when appropriate signs or traffic control devices have been erected by the department of transportation or a contractor or subcontractor performing work for the department of transportation.

5. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302, RSMo.

**6. Notwithstanding any provision of this section to the contrary, no person shall be cited for a violation of this section when no highway workers are located or working within the construction zone or work zone at the time the alleged violation occurred.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR  
HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 2, Section 48.020, Line 33, by inserting after all of said line the following:

“50.622. **1.** Any county may amend the annual budget during any fiscal year in which:

(1) The county receives additional funds, and such amount or source, including but not limited to[,] federal or state grants or private donations, could not be estimated **or anticipated** when the budget was adopted; **or**

(2) **The county experiences a verifiable decline in funds, and such amount or source, including but not limited to federal or state grants or private donations, could not be estimated or anticipated when the budget was adopted; provided that, any decrease in appropriations shall be allocated among the county departments, offices, institutions, commissions, and boards in a fair and equitable manner under all the circumstances, and shall not unduly affect any one department, office, institution, commission, or board.**

**2. Any decrease in an appropriation authorized under subdivision (2) of subsection 1 of this section shall not impact any dedicated fund otherwise provided by law.**

**3. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this section.**

**4. The general assembly shall review subdivision (2) of subsection 1 of this section and subsection 2 of this section in the regular session of the general assembly beginning in January, 2015, for the purpose of determining whether such provisions are no longer applicable and should be repealed.**

**50.830. 1. Except as provided in subsection 2 of this section, following each quarter of the fiscal**

year, the county shall hold at least one public hearing to review the budget, including the records of the receipts and disbursements of every office of the county which receives or disburses money on behalf of the county. At least five days' notice of the hearing shall be given.

**2. This section shall not apply to any county that reviews the county budget on a monthly basis.**

**3. The general assembly shall review this section in the regular session of the general assembly beginning in January, 2015, for the purpose of determining whether the section is no longer applicable and should be repealed.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 22

Amend House Amendment No. 22 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 4, Line 23, by inserting after all of said line the following:

“115.350. **1.** No person shall qualify as a candidate for **any** elective public office in the state of Missouri, **including any elective public office of any political subdivision of this state, who has:** [who has been convicted of or found guilty of or pled guilty to a felony under the laws of this state.]

**(1) Been convicted of or found guilty of or pled guilty to a felony under the laws of this state; or**

**(2) Been convicted of or found guilty of or pled guilty to any crime in any other jurisdiction that would be a felony if committed in this state; or**

**(3) Been convicted of or found guilty of or pled guilty to any felony or misdemeanor under the federal laws of the United States of America; or**

**(4) Been convicted of or found guilty of or pled guilty to any crime in this state or in any other jurisdiction that involves misconduct or dishonesty in public office.**

**2, Any public officer or elected official who violates subsection 1 shall thereby forfeit their office or employment.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 22

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 1, Section 48.020, Line 1, by inserting before all of said line the following:

“3.130. [1.] Such number of copies of each volume of each edition of the revised statutes of Missouri and annotations thereto and such number of the supplements or pocket parts thereto as may be necessary to meet the demand as determined by the committee shall be printed and bound, and also produced in an electronic format, and delivered to the revisor of statutes, who shall execute and file a receipt therefor with the director of revenue. The revisor of statutes shall distribute the copies, in either version or combination, [without charge as follows:

**(1) To each state department, and each division and bureau thereof, one copy as requested in writing specifying the version;**

**(2) To each member of the general assembly when first elected, one bound version and, if requested, one copy in the electronic version; and at each general assembly thereafter, one printed version and one**

copy in the electronic version if so requested in writing; each member to receive one printed version and, if requested, one copy in the electronic version of each supplement and of each new edition of the revised statutes when published;

(3) To each judge of the supreme court, the court of appeals and to each judge of the circuit courts, except municipal judges, one copy in either version;

(4) To the probate divisions of the circuit courts of Jackson County, St. Louis County and the city of St. Louis, four additional copies each in either version or combination, and to the probate divisions of the circuit courts of those counties where the judge of the probate division sits in more than one city, one additional copy each in either version;

(5) To the law library of the supreme court, ten copies in either version or combination;

(6) To the law libraries of each district of the court of appeals, six copies each in either version or combination;

(7) To the library of the United States Supreme Court, one copy in either version;

(8) To the United States district courts and circuit court of appeals for Missouri, two copies each in either version or combination;

(9) To the state historical society, two copies in either version or combination;

(10) To the libraries of the state university at Columbia, at St. Louis, at Kansas City and at Rolla, one bound version and one electronic version each;

(11) To the state colleges, Lincoln University, the community colleges, Missouri Western State College, Linn State Technical College, and Missouri Southern State College, one bound version and one electronic version each;

(12) To the public school library of St. Louis, two copies in either version or combination;

(13) To the Library of Congress, one copy in either version;

(14) To the Mercantile Library of St. Louis, one bound version and one electronic version;

(15) To each public library in the state, if requested, one copy in either version;

(16) To the law libraries of St. Louis, St. Louis County, Kansas City and St. Joseph, one bound version and one electronic version each;

(17) To the law schools of the state university, St. Louis University, and Washington University, one bound version and one electronic version each;

(18) To the circuit clerk of each county of the state for distribution to each county officer, to be by him or her delivered to his or her successor in office, one copy in either version as requested in writing;

(19) To the director of the committee on legislative research, such number of copies in either version or combination as may be required by such committee for the performance of its duties;

(20) To any county law library, when requested by the circuit clerk, one bound version and one electronic version;

(21) To each county library, one copy of either version, when requested in writing;



(22) To any committee of the senate or house of representatives, as designated and requested by the accounts committee of the respective house.

2. The revisor of statutes shall also provide the librarians of the supreme court library and the committee on legislative research such copies in either version or combination as may be necessary, not exceeding fifty-one each, to enable them to exchange the copies for like compilations or revisions of the statute laws of other states and territories] **at the price determined by the committee under section 3.140.**

3.140. [1.] The committee on legislative research may, through the revisor of statutes, sell copies of the revised statutes of Missouri, and any supplement or edition of pocket parts thereto, [not required by this chapter to be distributed without charge,] at a price to be determined by the committee, taking into account the cost of printing and binding, including the cost of delivery, **producing the statutes, and maintaining any website version**, and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.

[2. The revisor of statutes shall also supply to the clerk of the circuit court of each county order blanks in a number sufficient to meet the public demand. The blanks may be used by the public to order copies which shall be sold by the committee as provided in subsection 1.]

3.142. [1.] There is hereby established in the state treasury a revolving fund known as the “Statutory Revision Fund”, and which shall receive funds paid to the revisor of statutes for sales of the revised statutes of Missouri or any supplement thereto, whether in printed, electronic, magnetic, or other form and funds received for any other service for which there is a fee charged by the committee on legislative research. The committee on legislative research shall determine the form and any fees or charges for the statutes or services. The state treasurer shall be custodian of the fund and shall make disbursements from the fund for enhancing or producing the electronic form of the revised statutes in a computer readable form, enhancing the electronic processing of computerized legislative drafting and such other purposes authorized by the joint committee on legislative research upon appropriation by the general assembly. Moneys in the fund may also be used at the direction of the committee on legislative research to provide the revised statutes of Missouri and any supplement thereto to public libraries of this state in a computer readable format for use by patrons of the libraries.

[2. Any unexpended balance in the fund at the end of any biennium not to exceed twice the cost of providing the annual supplement to the revised statutes of Missouri is exempt from the provisions of section 33.080, RSMo, relating to transfer of unexpended balances to the ordinary revenue fund.]; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 1, Section A, Line 4, by inserting after all of said line the following:

**“29.212. Any retirement system established by the state of Missouri or any political subdivision or instrumentality of the state for the purpose of providing retirement plan benefits for elected or appointed public officials or employees of the state of Missouri or any political subdivision of the state may be audited by the state auditor every three years, or more frequently as otherwise required by law.”; and**

Further amend said bill, Page 2, Section 48.020, Line 33, by inserting after all of said line the following:

“56.809. 1. The general administration and the responsibility for the proper operation of the fund are vested in a board of trustees of five persons. Trustees shall be elected by a secret ballot vote of the prosecuting attorneys and circuit attorneys of this state. Trustees shall be chosen for terms of four years from the first day of January next following their election except that the members of the first board shall be appointed by the governor by and with the consent of the senate after notification in writing, respectively, by the prosecuting attorneys and circuit attorneys of eighty percent of the counties in the state, including a city not within a county, that the prosecuting attorney or circuit attorney has elected to come under the provisions of sections 56.800 to 56.840. It shall be the responsibility of the initial board to establish procedures for the conduct of future elections of trustees and such procedures shall be approved by a majority vote by secret ballot of the prosecuting attorneys and circuit attorneys in this state. The board shall have all powers and duties that are necessary and proper to enable it, its officers, employees and agents to fully and effectively carry out all the purposes of sections 56.800 to 56.840.

2. The board of trustees shall elect one of their number as chairman and one of their number as vice chairman and may employ an administrator who shall serve as executive secretary to the board. The Missouri office of prosecution services, sections 56.750 to 56.775, may, in the discretion of the board of trustees, act as administrative employees to carry out all of the purposes of sections 56.800 to 56.840. In addition, the board of trustees may appoint such other employees as may be required. The board shall hold regular meetings at least once each quarter. Other meetings may be called as necessary by the chairman or by any three members of the board. Notice of such meetings shall be given in accordance with chapter 610, RSMo.

3. The board of trustees shall appoint an actuary or firm of actuaries as technical advisor to the board of trustees.

4. The board of trustees shall retain investment advisors to be investment advisors to the board.

5. The board of trustees may retain legal counsel to advise the board and represent the system in legal proceedings.

6. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. The state auditor [shall examine such audits at least] **may audit the system** once every three years and report to the board of trustees and to the governor.

7. The board of trustees shall serve without compensation for their services as such; except that each trustee shall be paid from the system’s funds for any necessary expenses incurred in the performance of duties authorized by the board.

8. The board of trustees shall be authorized to appropriate funds from the system for administrative costs in the operation of the system.

9. The board of trustees shall, from time to time, after receiving the advice of its actuary, adopt such mortality and other tables of experience, and a rate or rates of regular interest, as shall be necessary for the actuarial requirements of the system, and shall require its executive secretary to keep in convenient form such data as shall be necessary for actuarial investigations of the experience of the system, and such data as shall be necessary for the annual actuarial valuations of the system.

10. The board of trustees shall, after reasonable notice to all interested parties, hear and decide questions arising from the administration of sections 56.800 to [56.835] **56.840**; except that within thirty days after

a decision or order, any member, retirant, beneficiary or political subdivision adversely affected by that determination or order may make an appeal under the provisions of chapter 536, RSMo.

11. The board of trustees shall arrange for adequate surety bonds covering the executive secretary and any other custodian of funds or investments of the board. When approved by the board, such bonds shall be deposited in the office of the Missouri secretary of state.

12. Subject to the limitations of sections 56.800 to [56.835] **56.840**, the board of trustees shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

13. The board of trustees shall be the trustees of the funds of the system. Subject to the provisions of any applicable federal or state laws, the board of trustees shall have full power to invest and reinvest the moneys of the system, and to hold, purchase, sell, assign, transfer or dispose of any of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys.

14. Notwithstanding any other provision of the law to the contrary, the board of trustees may delegate to its duly appointed investment advisors authority to act in place of the board of trustees in the investment and reinvestment of all or part of the moneys of the system, and may also delegate to such advisors the authority to act in place of the board of trustees in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselor shall be registered as an investment advisor with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board of trustees shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In so doing, the board of trustees shall consider the long-term and short-term needs of the system in carrying out its purposes, the system's present and anticipated financial requirements, the expected total return on the system's investment, the general economic conditions, income, growth, long-term net appreciation, and probable safety of funds. No member of the board of trustees shall be liable for any action taken or omitted with respect to the exercise of or delegation of these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care and skill which prudent men and women would ordinarily exercise under similar circumstances in a like position.

15. The board shall keep a record of its proceedings which shall be open to public inspection. It shall annually prepare a report showing the financial condition of the system. The report shall contain, but not be limited to, an auditor's opinion, financial statements prepared in accordance with generally accepted accounting principles, an actuary's certification along with actuarial assumptions and financial solvency tests.""; and

Further amend said bill, Page 13, Section, 67.2000, Line 237, by inserting after all of said line the following:

"70.605. 1. For the purpose of providing for the retirement or pensioning of the officers and employees and the widows and children of deceased officers and employees of any political subdivision of the state, there is hereby created and established a retirement system which shall be a body corporate, which shall be under the management of a board of trustees herein described, and shall be known as the "Missouri Local Government Employees' Retirement System". Such system may sue and be sued, transact business, invest

funds, and hold cash, securities, and other property. All suits or proceedings directly or indirectly against the system shall be brought in Cole County. The system shall begin operations on the first day of the calendar month next following sixty days after the date the board of trustees has received certification from ten political subdivisions that they have elected to become employers.

2. The general administration and the responsibility for the proper operation of the system is vested in a board of trustees of seven persons: three persons to be elected as trustees by the members of the system; three persons to be elected trustees by the governing bodies of employers; and one person, to be appointed by the governor, who is not a member, retirant, or beneficiary of the system and who is not a member of the governing body of any political subdivision.

3. Trustees shall be chosen for terms of four years from the first day of January next following their election or appointment, except that of the first board shall all be appointed by the governor by and with the consent of the senate, as follows:

(1) Three persons who are officers or officials of political subdivisions, one for a term of three years, one for a term of two years, and one for a term of one year; and

(2) Three persons who are employees of political subdivisions and who would, if the subdivision by which they are employed becomes an employer, be eligible as members, one for a term of three years, one for a term of two years, and one for a term of one year; and

(3) That person appointed by the governor under the provisions of subsection 2 of this section. All the members of the first board shall take office as soon as appointed by the governor, but their terms shall be computed from the first day of January next following their appointment, and only one member may be from any political subdivision or be a policeman or fireman.

4. Successor trustees elected or appointed as member trustees shall be members of the retirement system; provided, that not more than one member trustee shall be employed by any one employer, and not more than one member trustee shall be a policeman, and not more than one member trustee shall be a fireman.

5. Successor trustees elected as employer trustees shall be elected or appointed officials of employers and shall not be members of the retirement system; provided, that not more than one employer trustee shall be from any one employer.

6. An annual meeting of the retirement system shall be called by the board in the last calendar quarter of each year in Jefferson City, or at such place as the board shall determine, for the purpose of electing trustees and to transact such other business as may be required for the proper operation of the system. Notice of such meeting shall be sent by registered mail to the clerk or secretary of each employer not less than thirty days prior to the date of such meeting. The governing body of each employer shall certify to the board the name of one delegate who shall be an officer of the employer, and the members of the employer shall certify to the board a member of the employer to represent such employer at such meeting. The delegate certified as member delegate shall be elected by secret ballot by the members of such employer, and the clerk or secretary of each employer shall be charged with the duty of conducting such election in a manner which will permit each member to vote in such election. Under such rules and regulations as the board shall adopt, approved by the delegates, the member delegates shall elect a member trustee for each such position on the board to be filled, and the officer delegates shall elect an employer trustee for each such position on the board to be filled.

7. In the event any member trustee ceases to be a member of the retirement system, or any employer trustee ceases to be an appointed or elected official of an employer, or becomes a member of the retirement system, or if the trustee appointed by the governor becomes a member of the retirement system or an elected or appointed official of a political subdivision, or if any trustee fails to attend three consecutive meetings of the board, unless in each case excused for cause by the remaining trustees attending such meeting or meetings, he or she shall be considered as having resigned from the board and the board shall, by resolution, declare his or her office of trustee vacated. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled; provided, however, that the remaining trustees may fill employer and member trustee vacancies on the board until the next annual meeting.

8. Each trustee shall be commissioned by the governor, and before entering upon the duties of his office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of the state of Missouri, and to demean himself faithfully in his or her office. Such oath as subscribed to shall be filed in the office of the secretary of state of this state.

9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be necessary for a decision by the trustees at any meeting of the board of trustees. Four trustees, of whom at least two shall be member trustees and at least two shall be employer trustees, shall constitute a quorum at any meeting of the board. Unless otherwise expressly provided herein, a meeting need not be called or held to make any decision on a matter before the board. Each member must be sent by the executive secretary a copy of the matter to be decided with full information from the files of the board. The concurring decisions of four trustees may decide the issue by signing a document declaring their decision and sending the written instrument to the executive secretary, provided that no other trustee shall send a dissenting decision to the executive secretary within fifteen days after the document and information was mailed to him or her. If any trustee is not in agreement with the four trustees, the matter is to be passed on at a regular board meeting or a special meeting called for that purpose. The board shall hold regular meetings at least once each quarter, the dates of these meetings to be designated in the rules and regulations adopted by the board. Other meetings as deemed necessary may be called by the chairman or by any four trustees acting jointly.

10. The board of trustees shall elect one of their number as chairman, and one of their number as vice chairman, and shall employ an executive secretary, not one of their number, who shall be the executive officer of the board. Other employees of the board shall be chosen only upon the recommendation of the executive secretary.

11. The board shall appoint an actuary or a firm of actuaries as technical advisor to the board on matters regarding the operation of the system on an actuarial basis. The actuary or actuaries shall perform such duties as are required of him or her under sections 70.600 to 70.755, and as are from time to time required by the board.

12. The board may appoint an attorney-at-law or firm of attorneys-at-law to be the legal advisor of the board and to represent the board in all legal proceedings.

13. The board may appoint an investment counselor to be the investment advisor of the board.

14. The board shall from time to time, after receiving the advice of its actuary, adopt such mortality and other tables of experience, and a rate or rates of regular interest, as shall be necessary for the actuarial requirements of the system, and shall require its executive secretary to keep in convenient form such data as shall be necessary for actuarial investigations of the experience of the system, and such data as shall be

necessary for the annual actuarial valuations of the system.

15. The board shall keep a record of its proceedings, which shall be open to public inspection. It shall prepare annually and render to each employer a report showing the financial condition of the system as of the preceding June thirtieth. The report shall contain, but shall not be limited to, a financial balance sheet; a statement of income and disbursements; a detailed statement of investments acquired and disposed of during the year, together with a detailed statement of the annual rates of investment income from all assets and from each type of investment; an actuarial balance sheet prepared by means of the last valuation of the system, and such other data as the board shall deem necessary or desirable for a proper understanding of the condition of the system.

16. The board of trustees shall, after reasonable notice to all interested parties, conduct administrative hearings to hear and decide questions arising from the administration of sections 70.600 to 70.755; except, that such hearings may be conducted by a hearing officer who shall be appointed by the board. The hearing officer shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer shall make recommended findings of fact and may make recommended conclusions of law to the board. All final orders or determinations or other final actions by the board shall be approved in writing by at least four members of the board. Any board member approving in writing any final order, determination or other final action, who did not attend the hearing, shall do so only after certifying that he or she reviewed all exhibits and read the entire transcript of the hearing. Within thirty days after a decision or order or final action of the board, any member, retirant, beneficiary or political subdivision adversely affected by that determination or order or final action may take an appeal under the provisions of chapter 536, RSMo. Jurisdiction over any dispute regarding the interpretation of sections 70.600 to 70.755 and the determinations required thereunder shall lie in the circuit court of Cole County.

17. The board shall arrange for adequate surety bonds covering the executive secretary and any other custodian of the funds or investments of the board. When approved by the board, said bonds shall be deposited in the office of the secretary of state.

18. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. The state auditor [shall examine such audits at least] **may audit the system** once every three years and report to the board and the governor.

19. The headquarters of the retirement system shall be in Jefferson City.

20. The board of trustees shall serve as trustees without compensation for their services as such; except that each trustee shall be paid for any necessary expenses incurred in attending meetings of the board or in the performance of other duties authorized by the board.

21. Subject to the limitations of sections 70.600 to 70.755, the board shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.”; and

Further amend said bill, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“104.190. 1. The board shall keep a complete record of all its proceedings, which shall be open at all reasonable hours to the inspection of any member. A statement covering the operations of the system for the year, including income and disbursements, and the financial condition of the system at the end of the year, showing the actuarial valuation and appraisal of its assets and liabilities, as of July first, shall each year

be delivered to the governor of Missouri and be made readily available to the members.

2. A system of member employment records necessary for the calculation of retirement benefits shall be kept separate and apart from the customary employee employment records.

3. The principal office of the system shall be located in Jefferson City. The system shall have a seal bearing the inscription "Transportation Department Employees' and Highway Patrol Retirement System", which shall be in the custody of its executive director. The courts of this state shall take judicial notice of the seal; and all copies of records, books, and written instruments which are kept in the office of the system and are certified by the executive director under said seal shall be proved or admitted in any court or proceeding as provided by section 109.130, RSMo.

4. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. The state auditor [shall examine such audits at least] **may audit the system** once every three years and report to the board and the governor.

104.480. 1. The board shall keep a complete record of all its proceedings, which shall be open at all reasonable hours to the inspection of any member.

2. A statement covering the operations of the system for the year, including income and disbursements, and of the financial condition of the system at the end of the year, showing the actuarial valuation and appraisal of its assets and liabilities, as of July first, shall each year be delivered to the governor of Missouri and be made readily available to the members.

3. The principal office of the system shall be in Jefferson City. The system shall have a seal bearing the inscription "Missouri State Employees' Retirement System", which shall be in the custody of its director. The courts of this state shall take judicial notice of the seal; and all copies of records, books, and written instruments which are kept in the office of the system and are certified by the director under the seal shall be proved or admitted in any court or proceeding as provided by section 109.130, RSMo.

4. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants. The state auditor [shall examine such audits at least] **may audit the system** once every three years and report to the board and the governor.

169.020. 1. For the purpose of providing retirement allowances and other benefits for public school teachers, there is hereby created and established a retirement system which shall be a body corporate, shall be under the management of a board of trustees herein described, and shall be known as "The Public School Retirement System of Missouri". Such system shall, by and in such name, sue and be sued, transact all of its business, invest all of its funds, and hold all of its cash, securities, and other property. The system so created shall include all school districts in this state, except those in cities that had populations of four hundred thousand or more according to the latest United States decennial census, and such others as are or hereafter may be included in a similar system or in similar systems established by law and made operative; provided, that teachers in school districts of more than four hundred thousand inhabitants who are or may become members of a local retirement system may become members of this system with the same legal benefits as accrue to present members of such state system on the terms and under the conditions provided for in section 169.021. The system hereby established shall begin operations on the first day of July next following the date upon which sections 169.010 to 169.130 shall take effect.

2. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 169.010 to 169.141 are hereby vested in a board of

trustees of seven persons as follows: four persons to be elected as trustees by the members and retired members of the public school retirement system created by sections 169.010 to 169.141 and the public education employee retirement system created by sections 169.600 to 169.715; and three members appointed by the governor with the advice and consent of the senate. The first member appointed by the governor shall replace the commissioner of education for a term beginning August 28, 1998. The other two members shall be appointed by the governor at the time each member's, who was appointed by the state board of education, term expires.

3. Trustees appointed and elected shall be chosen for terms of four years from the first day of July next following their appointment or election, except that one of the elected trustees shall be a member of the public education employee retirement system and shall be initially elected for a term of three years from July 1, 1991. The initial term of one other elected trustee shall commence on July 1, 1992.

4. Trustees appointed by the governor shall be residents of school districts included in the retirement system, but not employees of such districts or a state employee or a state elected official. At least one trustee so appointed shall be a retired member of the public school retirement system or the public education employee retirement system. Three elected trustees shall be members of the public school retirement system and one elected trustee shall be a member of the public education employee retirement system.

5. The elections of the trustees shall be arranged for, managed and conducted by the board of trustees of the retirement system.

6. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

7. Trustees of the retirement system shall serve without compensation but they shall be reimbursed for expenses necessarily incurred through service on the board of trustees.

8. Each trustee shall be commissioned by the governor, and before entering upon the duties of the trustee's office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of the state of Missouri and to demean himself or herself faithfully in the trustee's office. Such oath as subscribed to shall be filed in the office of secretary of state of this state.

9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be necessary for a decision by the trustees at any meeting of the board of trustees. Unless otherwise expressly provided herein, a meeting need not be called or held to make any decision on a matter before the board. Each member must be sent by the executive director a copy of the matter to be decided with full information from the files of the board of trustees. The unanimous decision of four trustees may decide the issue by signing a document declaring their decision and sending such written instrument to the executive director of the board, provided that no other member of the board of trustees shall send a dissenting decision to the executive director of the board within fifteen days after such document and information was mailed to the trustee. If any member is not in agreement with four members the matter is to be passed on at a regular board meeting or a special meeting called for the purpose.

10. The board of trustees shall elect one of their number as chairman, and shall employ a full-time executive director, not one of their number, who shall be the executive officer of the board. Other employees of the board shall be chosen only upon the recommendation of the executive director.

11. The board of trustees shall employ an actuary who shall be its technical advisor on matters regarding the operation of the retirement system, and shall perform such duties as are essential in connection



therewith, including the recommendation for adoption by the board of mortality and other necessary tables, and the recommendation of the level rate of contributions required for operation of the system.

12. As soon as practicable after the establishment of the retirement system, and annually thereafter, the actuary shall make a valuation of the system's assets and liabilities on the basis of such tables as have been adopted.

13. At least once in the three-year period following the establishment of the retirement system, and in each five-year period thereafter, the board of trustees shall cause to be made an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the system, and shall make any changes in the mortality, service, and other tables then in use which the results of the investigation show to be necessary.

14. Subject to the limitations of sections 169.010 to 169.141 and 169.600 to 169.715, the board of trustees shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

15. The board of trustees shall determine and decide all questions of doubt as to what constitutes employment within the meaning of sections 169.010 to 169.141 and 169.600 to 169.715, the amount of benefits to be paid to members, retired members, beneficiaries and survivors and the amount of contributions to be paid by employer and employee. The executive director shall notify by certified mail both employer and member, retired member, beneficiary or survivor interested in such determination. Any member, retired member, beneficiary or survivor, district or employer adversely affected by such determination, at any time within thirty days after being notified of such determination, may appeal to the circuit court of Cole County. Such appeal shall be tried and determined anew in the circuit court and such court shall hear and consider any and all competent testimony relative to the issues in the case, which may be offered by either party thereto. The circuit court shall determine the rights of the parties under sections 169.010 to 169.141 and 169.600 to 169.715 using the same standard provided in section 536.150, RSMo, and the judgment or order of such circuit court shall be binding upon the parties and the board shall carry out such judgment or order unless an appeal is taken from such decision of the circuit court. Appeals may be had from the circuit court by the employer, member, retired member, beneficiary, survivor or the board, in the manner provided by the civil code.

16. The board of trustees shall keep a record of all its proceedings, which shall be open to public inspection. It shall prepare annually a comprehensive annual financial report, the financial section of which shall be prepared in accordance with applicable accounting standards and shall include the independent auditor's opinion letter. The report shall also include information on the actuarial status and the investments of the system. The reports shall be preserved by the executive director and made available for public inspection.

17. The board of trustees shall provide for the maintenance of an individual account with each member, setting forth such data as may be necessary for a ready determination of the member's earnings, contributions, and interest accumulations. It shall also collect and keep in convenient form such data as shall be necessary for the preparation of the required mortality and service tables and for the compilation of such other information as shall be required for the valuation of the system's assets and liabilities. All individually identifiable information pertaining to members, retirees, beneficiaries and survivors shall be confidential.

18. The board of trustees shall meet regularly at least twice each year, with the dates of such meetings to be designated in the rules and regulations adopted by the board. Such other meetings as are deemed

necessary may be called by the chairman of the board or by any four members acting jointly.

19. The headquarters of the retirement system shall be in Jefferson City, where suitable office space, utilities and other services and equipment necessary for the operation of the system shall be provided by the board of trustees and all costs shall be paid from funds of the system. All suits or proceedings directly or indirectly against the board of trustees, the board's members or employees or the retirement system established by sections 169.010 to 169.141 or 169.600 to 169.715 shall be brought in Cole County.

20. The board may appoint an attorney or firm of attorneys to be the legal advisor to the board and to represent the board in legal proceedings, however, if the board does not make such an appointment, the attorney general shall be the legal advisor of the board of trustees, and shall represent the board in all legal proceedings.

21. The board of trustees shall arrange for adequate surety bonds covering the executive director. When approved by the board, such bonds shall be deposited in the office of the secretary of state of this state.

22. The board shall arrange for annual audits of the records and accounts of the system by a firm of certified public accountants[.]. The state auditor [shall review the audit of the records and accounts of] **may audit** the system at least once every three years and shall report the results to the board of trustees and the governor.

23. The board by its rules may establish an interest charge to be paid by the employer on any payments of contributions which are delinquent. The rate charged shall not exceed the actuarially assumed rate of return on invested funds of the pertinent system.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 24

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 2, Section 48.020, Line 33, by inserting after all of said line the following:

“55.030. The county auditor of a county [of the first class] having a charter form of government shall prescribe, with the approval of the governing body of the county and the state auditor, the accounting system of the county. He shall keep accounts of all appropriations and expenditures made by the governing body of the county; and no warrant shall be drawn or obligation incurred without his certification that an unencumbered balance, sufficient to pay the same, remains in the appropriation account against which such warrant or obligation is to be charged. He shall audit and examine all accounts, demands, and claims of every kind and character presented for payment against such county, and shall approve to the governing body of the county all lawful, true, and just accounts, demands, and claims of every kind and character payable out of the county revenue or out of any county funds before the same shall be allowed and a warrant issued therefor. Whenever the county auditor deems it necessary to the proper examination of any account, demand, or claim, he may examine the parties, witnesses, and others on oath or affirmation touching any matter or circumstance in the examination of such account, demand, or claim. At the direction of the governing body of the county, he shall audit the accounts of all officers and employees of the county and upon their retirement from office and shall keep a correct account between the county and all county officers; and he shall examine all records and settlements made by them for and with the governing body of the county or with each other; and the county auditor shall, at all reasonable times, have access to all books, county records, or papers kept by any county or township officer, employee, or road overseer. He may keep an inventory of all county property under the control and management of the various officers and

departments and shall annually take an inventory of any such property at an original value of [two hundred fifty] **one thousand** dollars or more showing the amount, location and estimated value thereof. He shall perform such other duties in relation to the fiscal administration of the county as the governing body of the county shall from time to time prescribe. The county auditor shall not be personally liable for any costs for any proceeding instituted against him in his official capacity.”; and

Further amend said bill, Page 13, Section 67.2000, Line 237, by inserting after all of said line the following:

**“71.275. Notwithstanding any other provision of this chapter to the contrary, if the governing body of any municipality finds it in the public interest that a parcel of land within a research, development, or office park project established under section 172.273, that is contiguous and compact to the existing corporate limits of the municipality and located in an unincorporated area of the county, should be located in the municipality, such municipality may annex such parcel, provided that the municipality obtains written consent of all the property owners located within the unincorporated area of such parcel.”; and**

Further amend said bill, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

**(1) The assignment shall be deemed made when the scheduling order is first issued by the commission and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order.**

**(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.**

**3.** The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.

[3.] **4.** The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. There shall be no presumption that the assessor’s valuation is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

[4.] 5. Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

[5.] 6. All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs.”; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 24, Section 473.742, Line 63, by inserting after all of said line the following:

“488.2205. 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within the thirtieth judicial circuit in all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the county where the violation occurred.

2. Each county shall use all funds received pursuant to this section only to pay for the costs associated with the construction, maintenance and operation of the county judicial facility and the circuit juvenile detention center including, but not limited to, utilities, maintenance and building security. The county shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county judicial facility shall be transmitted quarterly to the general revenue fund of the county.

3. This section shall expire and be of no force and effect on and after January 1, [2010] 2020.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 26

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“137.073. 1. As used in this section, the following terms mean:

(1) “General reassessment”, changes in value, entered in the assessor’s books, of a substantial portion

of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) “Tax rate”, “rate”, or “rate of levy”, singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) “Tax rate ceiling”, a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) “Tax revenue”, when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term “tax revenue” shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, or as excess home dock city or county fees as provided in subsection 4 of section 313.820, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term “tax revenue”, as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor’s books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate [may] **shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Any political subdivision that has received approval from voters for a tax increase after August 27, 2008, may levy a rate to collect substantially the same amount of tax**

revenue as the amount of revenue that would have been derived by applying the voter-approved increased tax rate ceiling to the total assessed valuation of the political subdivision as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and

utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the

United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term “property” means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase



and, so adjusted, shall be the current tax rate ceiling.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision (4) of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction to such political subdivision's tax rate ceiling.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years.

The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo, or otherwise contested. The part of the taxes

paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 27

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“230.220. 1. In each county adopting it, the county highway commission established by sections 230.200 to 230.260 shall be composed of the three commissioners of the county commission and one person elected from the unincorporated area of each of the two county commission districts. Except that the presiding commissioner and one of the associate commissioners by process of election may reside in the same township, not more than one member of the county highway commission shall be a resident of the same township of the county. The county commission shall designate one county commission district as district A and the other as district B. The member of the county highway commission first elected from district A shall serve a term of two years. The member first elected from district B shall serve a term of four years. Upon the expiration of the term of each such member, his successors shall be elected for a term of four years. The commissioners of the county commission shall serve as members of the county highway commission during their term as county commissioners.

2. The elected members of the county highway commission shall be nominated at the primary election and elected at the general election next following the adoption of the proposition for the alternative county highway commission by the voters of the county. Candidates shall file and the election shall be conducted in the same manner as for the nomination and election of candidates for county office. Within thirty days after the adoption of an alternative county highway commission by the voters of any county as provided in sections 230.200 to 230.260, the governor shall appoint a county highway commissioner from each district from which a member will be elected at the next following general election. The commissioners so appointed shall hold their office until their successors are elected at the following general election. Appointments shall be made by naming one member from each of the two political parties casting the highest number of votes in the preceding general election.

3. Members of the county highway commission [shall receive as compensation for their services fifteen dollars per day for the first meeting each month and five dollars for each meeting thereafter during the

month. The members shall also receive a mileage allowance of eight cents per mile actually and necessarily traveled in the performance of their duties. The compensation and mileage allowance of the members of the commission shall be paid out of the road and bridge fund of the county] **who are not also members of the county's governing body shall receive an attendance fee in an amount per meeting as set by the county's governing body and a mileage allowance for miles actually and necessarily traveled in the performance of their duties in the same amount per mile received by the members of the county's governing body to be paid out of the road and bridge fund of the county.**

4. If a vacancy occurs among the elected members of the county highway commission, the members of the county highway commission shall select a successor who shall serve until the next regular election.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 28

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 13, Section 67.2000, Line 237, by inserting after all of said line the following:

**“67.2800. 1. Sections 67.2800 to 67.2835 shall be known and may be cited as the “Property Assessment Clean Energy Act”.**

**2. The general assembly hereby finds, determines, and declares that:**

**(1) The development, production, and efficient use of renewable energy, as well as the installation and implementation of energy efficiency improvements to privately and publicly owned property, will create jobs for residents of the state, advance the economic well-being and public and environmental health of the state, and contribute to the energy independence of the nation; and**

**(2) The financing of energy efficiency and renewable energy improvement projects and privately and publicly owned property, as provided by sections 67.2800 to 67.2835, will serve a valid public purpose and the primary intent of sections 67.2800 to 67.2835 is to promote such public purpose.**

**3. As used in sections 67.2800 to 67.2835, the following words and terms shall mean:**

**(1) “Assessment contract”, a contract entered into between a clean energy development board and a property owner under which the property owner agrees to pay an annual assessment for a period of up to twenty years in exchange for financing of an energy efficiency improvement or a renewable energy improvement;**

**(2) “Authority”, the state environmental improvement and energy resources authority established under section 260.010;**

**(3) “Bond”, any bond, note, or other similar instrument issued by or on behalf of a clean energy development board;**

**(4) “Clean energy conduit financing”, the financing of energy efficiency improvements or renewable energy improvements for a single parcel of property or a unified development consisting of multiple adjoining parcels of property under section 67.2825;**

**(5) “Clean energy development board”, a board formed by one or more municipalities under section 67.2810;**

(6) “Director”, the director of the department of economic development;

(7) “Energy efficiency improvement”, any acquisition, installation, or modification on or of publicly or privately owned property designed to reduce the energy consumption of such property, including but not limited to:

(a) Insulation in walls, roofs, attics, floors, foundations, and heating and cooling distribution systems;

(b) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective windows and doors, and other window and door improvements designed to reduce energy consumption;

(c) Automatic energy control systems;

(d) Heating, ventilating, or air conditioning distribution system modifications and replacements;

(e) Caulking and weatherstripping;

(f) Replacement or modification of lighting fixtures to increase energy efficiency of the lighting system without increasing the overall illumination of the building unless the increase in illumination is necessary to conform to applicable state or local building codes;

(g) Energy recovery systems; and

(h) Daylighting systems;

(8) “Municipality”, any county, city, or incorporated town or village of this state;

(9) “Project”, any energy efficiency improvement or renewable energy improvement;

(10) “Property assessed clean energy local finance fund”, the fund established by the authority for the purpose of making loans to clean energy development boards to establish and maintain property assessed clean energy programs;

(11) “Property assessed clean energy program”, a program established by a clean energy development board to finance energy efficiency improvements or renewable energy improvements under section 67.2820;

(12) “Renewable energy improvement”, any acquisition and installation of a fixture, product, system, device, or combination thereof on publicly or privately owned property that produces energy from renewable resources, including, but not limited to photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems.

4. All projects undertaken under sections 67.2800 to 67.2835 are subject to the applicable municipality’s ordinances and regulations, including, but not limited to those ordinances and regulations concerning zoning, subdivision, building, fire safety, and historic or architectural review.

67.2805. 1. The authority may, as needed, promulgate administrative rules and regulations relating to the following:

(1) Guidelines and specifications for administering the property assessed clean energy local finance fund; and

(2) Any clarification to the definitions of energy efficiency improvement and renewable energy

improvement as the authority may determine is necessary or advisable.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

67.2810. 1. One or more municipalities may form clean energy development boards for the purpose of exercising the powers described in sections 67.2800 to 67.2835. Each clean energy development board shall consist of not less than three members, as set forth in the ordinance or order establishing the clean energy development board. Members shall serve terms as set forth in the ordinance or order establishing the clean energy development board and shall be appointed:

(1) If only one municipality is participating in the clean energy development board, by the chief elected officer of the municipality with the consent of the governing body of the municipality; or

(2) If more than one municipality is participating, in a manner agreed to by all participating municipalities.

2. A clean energy development board shall be a separate body politic and corporate and shall have all powers necessary and convenient to carry out and effectuate the provisions of sections 67.2800 to 68.2835, including, but not limited to the following:

(1) To adopt, amend, and repeal bylaws, which are not inconsistent with sections 67.2800 to 68.2835;

(2) To adopt an official seal;

(3) To sue and be sued;

(4) To make and enter into contracts and other instruments with public and private entities;

(5) To accept grants, guarantees, and donations of property, labor, services, and other things of value from any public or private source;

(6) To employ or contract for such managerial, legal, technical, clerical, accounting, or other assistance it deems advisable;

(7) To levy and collect special assessments under an assessment contract with a property owner and to record such special assessments as a lien on the property;

(8) To borrow money from any public or private source and issue bonds and provide security for the repayment of the same;

(9) To finance a project under an assessment contract;

(10) To collect reasonable fees and charges in connection with making and servicing assessment contracts and in connection with any technical, consultative, or project assistance services offered;

(11) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States or any agency or instrumentality thereof, or in bank certificates of

deposit; provided, however, the limitations on investments provided in this subdivision shall not apply to proceeds acquired from the sale of bonds which are held by a corporate trustee; and

(12) To take whatever actions necessary to participate in and administer a clean energy conduit financing or a property assessed clean energy program.

3. No later than July first of each year, the clean energy development board shall file with each municipality that participated in the formation of the clean energy development board, an annual report for the preceding calendar year that includes:

(1) A brief description of each project financed by the clean energy development board during the preceding calendar year;

(2) The amount of assessments due and the amount collected during the preceding calendar year;

(3) The amount of clean energy development board administrative costs incurred during the preceding calendar year;

(4) The estimated cumulative energy savings resulting from all energy efficiency improvements financed during the preceding calendar year; and

(5) The estimated cumulative energy produced by all renewable energy improvements financed during the preceding calendar year.

4. No lawsuit to set aside the formation of a clean energy development board or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the effective date of the ordinance or order creating the clean energy development board. No lawsuit to set aside the approval of a project, an assessment contract, or a special assessment levied by a clean energy development board, or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the date that the assessment contract is executed.

67.2815. 1. A clean energy development board shall not enter into an assessment contract or levy or collect a special assessment for a project without making a finding that there are sufficient resources to complete the project and that the estimated economic benefit expected from the project during the financing period is equal to or greater than the cost of the project.

2. An assessment contract shall be executed by the clean energy development board and the benefitted property owner or property owners and shall provide:

(1) A description of the project, including the estimated cost of the project and details on how the project will either reduce energy consumption or create energy from renewable sources;

(2) A mechanism for:

(a) Verifying the final costs of the project upon its completion; and

(b) Ensuring that any amounts advanced or otherwise paid by the clean energy development board toward costs of the project will not exceed the final cost of the project;

(3) An acknowledgment by the property owner that the property owner has received or will receive a special benefit by financing a project through the clean energy development board that equals or exceeds the total assessments due under the assessment contract;

(4) An agreement by the property owner to pay annual special assessments for a period not to

exceed twenty years, as specified in the assessment contract;

(5) A distribution of assessment amounts among all parcels of real property subject to the assessment contract;

(6) A statement that the obligations set forth in the assessment contract, including the obligation to pay annual special assessments, are a covenant that shall run with the land and be obligations upon future owners of such property; and

(7) An acknowledgment that no subdivision of property subject to the assessment contract shall be valid unless the assessment contract or an amendment thereof divides the total annual special assessment due between the newly subdivided parcels pro rata to the special benefit realized by each subdivided parcel.

3. The total special assessments levied against a property under an assessment contract shall not exceed the sum of the cost of the project, including any required energy audits and inspections, or portion thereof financed through the participation in a property assessed clean energy program or clean energy conduit financing, including the costs of any audits or inspections required by the clean energy development board, plus such administration fees, interest, and other financing costs reasonably required by the clean energy development board.

4. The clean energy development board shall provide a copy of each signed assessment contract to the local county assessor and county collector and shall cause a copy of such assessment contract to be recorded in the real estate records of the county recorder of deeds.

5. Special assessments agreed to under an assessment contract shall be a lien on the property against which it is assessed on behalf of the applicable clean energy development board from the date that each annual assessment under the assessment contract becomes due. Such special assessments shall be collected by the county collector in the same manner and with the same priority as ad valorem real property taxes. Once collected, the county collector shall pay over such special assessment revenues to the clean energy development board in the same manner in which revenues from ad valorem real property taxes are paid to other taxing districts. Such special assessments shall be collected as provided in this subsection from all subsequent property owners, including the state and all political subdivisions thereof, for the term of the assessment contract.

6. Any clean energy development board that contracts for outside administrative services to provide financing origination for a project shall offer the right of first refusal to enter into such a contract to a federally insured depository institution with a physical presence in Missouri upon the same terms and conditions as would otherwise be approved by the clean energy development board. Such right of first refusal shall not be applicable to the origination of any transaction that involves the issuance of bonds by the clean energy development board.

67.2820. 1. Any clean energy development board may establish a property assessed clean energy program to finance energy efficiency improvements or renewable energy improvements. A property assessed clean energy program shall consist of a program whereby a property owner may apply to a clean energy development board to finance the costs of a project through annual special assessments levied under an assessment contract.

2. A clean energy development board may establish application requirements and criteria for project financing approval as it deems necessary to effectively administer such program and ration



available funding among projects, including but not limited to requiring projects to meet certain energy efficiency standards.

3. A clean energy development board may require an initial energy audit as defined in subdivision (4) of subsection 1 of section 640.153, as a prerequisite to project financing through a property assessed clean energy program as well as inspections to verify project completion.

**67.2825. 1.** In lieu of financing a project through a property assessed clean energy program, a clean energy development board may seek to finance any number of projects to be installed within a single parcel of property or within a unified development consisting of multiple adjoining parcels of property by participating in a clean energy conduit financing.

2. A clean energy conduit financing shall consist of the issuance of bonds under section 67.2830 payable from the special assessment revenues collected under an assessment contract with the property owner participating in the clean energy conduit financing and any other revenues pledged thereto.

**67.2830. 1.** A clean energy development board may issue bonds payable from special assessment revenues generated by assessment contracts and any other revenues pledged thereto. The bonds shall be authorized by resolution of the clean energy development board, shall bear such date or dates, and shall mature at such time or times as the resolution shall specify, provided that the term of any bonds issued for a clean energy conduit financing shall not exceed twenty years. The bonds shall be in such denomination, bear interest at such rate, be in such form, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide. Notwithstanding any provision to the contrary under this section, issuance of the bonds shall conform to the requirements of subsection 1 of section 108.170.

2. Any bonds issued under this section shall not constitute an indebtedness of the state or any municipality. Neither the state nor any municipality shall be liable on such bonds, and the form of such bonds shall contain a statement to such effect.

**67.2835.** The director of the department of economic development is authorized to allocate the state's residual share, or any portion thereof, of the national qualified energy conservation bond limitation under Section 54D of the Internal Revenue Code of 1986, as amended, for any purposes described therein to the authority, any clean energy development board, the state, any political subdivision, instrumentality, or other body corporate and politic.”; and

Further amend said bill, Page 21, Section 94.832, Line 50, by inserting after all of said line the following:

“260.005. As used in sections 260.005 to 260.125, the following words and terms mean:

(1) “Authority”, the state environmental improvement and energy resources authority created by sections 260.005 to 260.125;

(2) “Bonds”, bonds issued by the authority pursuant to the provisions of sections 260.005 to 260.125;

(3) “Cost”, the expense of the acquisition of land, rights-of-way, easements and other interests in real property and the expense of acquiring or constructing buildings, improvements, machinery and equipment relating to any project, including the cost of demolishing or removing any existing structures, interest during the construction of any project and engineering, research, legal, consulting and other expenses necessary

or incident to determining the feasibility or practicability of any project and carrying out the same, all of which are to be paid out of the proceeds of the bonds or notes authorized by sections 260.005 to 260.125;

(4) “Disposal of solid waste or sewage”, the entire process of storage, collection, transportation, processing and disposal of solid wastes or sewage;

(5) “Energy conservation”, the reduction of energy consumption;

(6) “Energy efficiency”, the increased productivity or effectiveness of energy resources use, the reduction of energy consumption, or the use of renewable energy sources;

(7) “Notes”, notes issued by the authority pursuant to sections 260.005 to 260.125;

(8) “Pollution”, the placing of any noxious substance in the air or waters or on the lands of this state in sufficient quantity and of such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

(9) “Project”, any facility, including land, disposal areas, incinerators, buildings, fixtures, machinery, equipment, and devices or modifications to a building or facility, acquired or constructed, or to be acquired or constructed for the purpose of developing energy resources or preventing or reducing pollution or the disposal of solid waste or sewage or providing water facilities or resource recovery facilities or carrying out energy efficiency modifications in, but not limited to, buildings owned by the state or providing for energy conservation or increased energy efficiency **or renewable energy**;

(10) **“Renewable energy”, the production of energy from renewable resources, including, but not limited to, photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems;**

(11) “Resource recovery”, the recovery of material or energy from solid waste;

[(11)] (12) “Resource recovery facility”, any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse;

[(12)] (13) “Resource recovery system”, a solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes, including disposal of nonrecoverable waste residues;

[(13)] (14) “Revenues”, all rents, installment payments on notes, interest on loans, revenues, charges and other income received by the authority in connection with any project and any gift, grant, or appropriation received by the authority with respect thereto;

[(14)] (15) “Sewage”, any liquid or gaseous waste resulting from industrial, commercial, agricultural or community activities in such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

[(15)] (16) “Solid waste”, garbage, refuse, discarded materials and undesirable solid and semisolid residual matter resulting from industrial, commercial, agricultural or community activities in such amounts, characteristics and duration as to injure or harm the public health or welfare or animal life or property;

[(16)] (17) “Synthetic fuels”, any solid, liquid, or gas or combination thereof, which can be used as a substitute for petroleum or natural gas (or any derivatives thereof, including chemical feedstocks) and which is produced by chemical or physical transformation (other than washing, coking, or desulfurizing) of domestic sources of coal, including lignite and peat; shale; tar sands, including heavy oils; water as a source

of hydrogen only through electrolysis, and mixtures of coal and combustible liquids including petroleum; and

[(17)] **(18)** “Water facilities”, any facilities for the furnishing of water for industrial, commercial, agricultural or community purposes including, but not limited to, wells, reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds, storm sewers, related equipment and machinery.

260.080. No part of the funds of the authority shall inure to the benefit of or be distributable to its members or other private persons except that the authority is authorized and empowered to pay reasonable compensation for services rendered as herein provided for **and to otherwise carry out the provisions of sections 260.005 to 260.125.**”; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 29

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Section 48.020, Page 2, Line 33, by inserting the following after all of said line:

**“49.272. 1. The county commission of any of the following counties may impose a civil fine as provided in this section:**

**(1) Any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but [less] fewer than one hundred thirty-five thousand five hundred inhabitants[, and in];**

**(2) Any county of the first classification without a charter form of government having a population of at least eighty-two thousand inhabitants, but [less] fewer than eighty-two thousand one hundred inhabitants[.];**

**(3) Any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants[.];**

**(4) Any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants[, and];**

**(5) Any county of the first classification with more than two hundred forty thousand three hundred but [less] fewer than two hundred forty thousand four hundred inhabitants[.];**

**(6) Any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants.**

**2. Any county listed in subsection 1 of this section** which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor **or infraction** punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 30

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21, Section 94.832, Line 50 by inserting after said line the following:

“190.015. 1. Whenever the creation of an ambulance district is desired, a number of voters residing in the proposed district equal to ten percent of the vote cast for governor in the proposed district in the next preceding gubernatorial election may file with the county clerk in which the territory or the greater part thereof is situated a petition requesting the creation thereof. In case the proposed district is situated in two or more counties, the petition shall be filed in the office of the county clerk of the county in which the greater part of the area is situated, and the commissioners of the county commission of the county shall set the petition for public hearing. The petition shall set forth:

- (1) A description of the territory to be embraced in the proposed district;
- (2) The names of the municipalities located within the area;
- (3) The name of the proposed district;
- (4) The population of the district which shall not be less than two thousand inhabitants;
- (5) The assessed valuation of the area, which shall not be less than ten million dollars; and

(6) A request that the question be submitted to the voters residing within the limits of the proposed ambulance district whether they will establish an ambulance district pursuant to the provisions of sections 190.001 to 190.090 to be known as “..... Ambulance District” for the purpose of establishing and maintaining an ambulance service.

2. In any county with a charter form of government and with more than one million inhabitants, fire protection districts created under chapter 321, RSMo, may choose to create an ambulance district with boundaries congruent with each participating fire protection district’s existing boundaries provided no ambulance district already exists in whole or part of any district being proposed and the dominant provider of ambulance services within the proposed district as of September 1, 2005, ceases to offer or provide ambulance services, and the board of each participating district, by a majority vote, approves the formation of such a district and participating fire protection districts are contiguous. Upon approval by the fire protection district boards, subsection 1 of this section shall be followed for formation of the ambulance district. Services provided by a district under this subsection shall only include emergency ambulance services as defined in section 321.225, RSMo.

**3. Any ambulance district established under this chapter on or after August 28, 2010, may levy and impose a sales tax in lieu of a property tax to fund the ambulance district. The petition to create the ambulance district shall state whether the district will be funded by a property or a sales tax.**

190.035. Each notice shall state briefly the purpose of the election, setting forth the proposition to be voted upon and a description of the territory. The notice shall further state that any district upon its establishment shall have the powers, objects and purposes provided by sections 190.005 to 190.085, and shall have the power to levy a property tax not to exceed thirty cents on the one hundred dollars valuation, **or to levy a sales tax in lieu of a property tax, and shall state the rate of the sales tax.**

190.040. The question shall be submitted in substantially the following form:

Shall there be organized in the counties of ....., state of Missouri, an ambulance district for the

establishment and operation of an ambulance service to be located within the boundaries of said proposed district and having the power to impose a property tax not to exceed the annual rate of thirty cents on the hundred dollars assessed valuation without voter approval, **or a sales tax not to exceed ..... percent without voter approval**, and such additional tax as may be approved hereafter by vote thereon, to be known as “..... Ambulance District” as prayed for by petition filed with the county clerk of ..... County, Missouri, on the ..... day of ....., 20....?”; and

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

“Section C. The emergency clause contained in Section B of this act shall not apply to sections 190.015 and 190.040 of Section A of this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 31

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 13, Section 67.2000, Line 237 by inserting after all of said line the following:

“68.025. 1. Every local and regional port authority, approved as a political subdivision of the state, shall have the following powers to:

(1) Confer with any similar body created under laws of this or any other state for the purpose of adopting a comprehensive plan for the future development and improvement of its port districts;

(2) Consider and adopt detailed and comprehensive plans for future development and improvement of its port districts and to coordinate such plans with regional and state programs;

(3) **Establish a port improvement district in accordance with this chapter;**

(4) **Carry out any of the projects enumerated in subdivision (16) of section 68.305;**

(5) **Within the boundaries of any established port improvement district, to levy either a sales and use tax or a real property tax, or both, for the purposes of paying any part of the cost of a project benefitting property in a port improvement district, except that no port improvement district real property tax shall be levied on any property, real or personal, that is assessed under chapter 151 unless such real property tax levy is agreed to in writing by the party responsible for the taxes;**

(6) **Pledge both revenues generated by any port improvement district and any other port authority revenue source to the repayment of any outstanding obligations;**

(7) Either jointly with a similar body, or separately, recommend to the proper departments of the government of the United States, or any state or subdivision thereof, or to any other body, the carrying out of any public improvement for the benefit of its port districts;

[(4)] (8) Provide for membership in any official, industrial, commercial, or trade association, or any other organization concerned with such purposes, for receptions of officials or others as may contribute to the advancement of its port districts and any industrial development therein, and for such other public relations activities as will promote the same, and such activities shall be considered a public purpose;

[(5)] (9) Represent its port districts before all federal, state and local agencies;

[(6)] (10) Cooperate with other public agencies and with industry, business, and labor in port district improvement matters;

[(7)] **(11)** Enter into any agreement with any other states, agencies, authorities, commissions, municipalities, persons, corporations, or the United States, to effect any of the provisions contained in this chapter;

[(8)] **(12)** Approve the construction of all wharves, piers, bulkheads, jetties, or other structures;

[(9)] **(13)** Prevent or remove, or cause to be removed, obstructions in harbor areas, including the removal of wrecks, wharves, piers, bulkheads, derelicts, jetties or other structures endangering the health and general welfare of the port districts; in case of the sinking of a facility from any cause, such facility or vessel shall be removed from the harbor at the expense of its owner or agent so that it shall not obstruct the harbor;

[(10)] **(14)** Recommend the relocation, change, or removal of dock lines and shore or harbor lines;

[(11)] **(15)** Acquire, own, construct, redevelop, lease, maintain, and conduct land reclamation and resource recovery [with respect to unimproved land], **including the removal of sand, rock, or gravel**, residential developments, commercial developments, mixed-use developments, recreational facilities, industrial parks, industrial facilities, and terminals, terminal facilities, warehouses and any other type port facility;

[(12)] **(16)** Acquire, own, lease, sell or otherwise dispose of interest in and to real property and improvements situate thereon and in personal property necessary to fulfill the purposes of the port authority;

[(13)] **(17)** Acquire rights-of-way and property of any kind or nature within its port districts necessary for its purposes. Every port authority shall have the right and power to acquire the same by purchase, negotiation, or by condemnation, and should it elect to exercise the right of eminent domain, condemnation proceedings shall be maintained by and in the name of the port authority, and it may proceed in the manner provided by the laws of this state for any county or municipality. The power of eminent domain shall not apply to property actively being used in relation to or in conjunction with river trade or commerce, unless such use is by a port authority pursuant to a lease in which event the power of eminent domain shall apply;

[(14)] **(18)** Contract and be contracted with, and to sue and be sued;

[(15)] **(19)** Accept gifts, grants, loans or contributions from the United States of America, the state of Missouri, political subdivisions, municipalities, foundations, other public or private agencies, individual, partnership or corporations;

[(16)] **(20)** Employ such managerial, engineering, legal, technical, clerical, accounting, advertising, stenographic, and other assistance as it may deem advisable. The port authority may also contract with independent contractors for any of the foregoing assistance;

[(17)] **(21)** Improve navigable and nonnavigable areas as regulated by federal statute;

[(18)] **(22)** Disburse funds for its lawful activities and fix salaries and wages of its employees; and

[(19)] **(23)** Adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted; however, said bylaws, rules and regulations shall not exceed the powers granted to the port authority by this chapter.

2. In implementing its powers, the port authority shall have the power to enter into agreements with private operators or public entities for the joint development, redevelopment, and reclamation of property within a port district or for other uses to fulfill the purposes of the port authority.

68.035. 1. The state may make grants to a state port fund, as appropriated by the general assembly, to be allocated by the department of transportation to local port authorities or regional port coordinating agencies. These grants, administered on a nonmatching basis, could be used for managerial, engineering, legal, research, promotion, planning and any other expenses.

2. In addition the state may make capital improvement matching grants contributing eighty percent of the funds and local port authorities contributing twenty percent of the funds for specific [projects] **undertakings** of port development such as land acquisitions, construction, terminal facility development, **port improvement projects**, and other related port facilities. **Notwithstanding the foregoing, any matching grants awarded by the Missouri highways and transportation commission under the port capital improvement program shall be transportation related.**

3. The grants provided herein may be used as the local share in applying for other grant programs.

68.040. 1. Every local and regional port authority, approved as a political subdivision of the state, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction of port facilities **and the financing of port improvement projects**; establish reserves to secure such bonds and notes; and make other expenditures, incident and necessary to carry out its purposes and powers.

2. This state shall not be liable on any notes or bonds of any port authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

3. No commissioner of any port authority or any authorized person executing port authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

4. The notes and bonds of every port authority are securities in which all public officers and bodies of this state and all political subdivisions and municipalities, all insurance companies and associations, and other persons carrying on an insurance business, all banks, trust companies, saving associations, savings and loan associations, credit unions, investment companies, all administrators, guardians, executors, trustees, and other fiduciaries, and all other persons whatsoever, who now or may hereafter, be authorized to invest in notes and bonds or other obligations of this state, may properly and legally invest funds, including capital, in their control or belonging to them.

5. No port authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every port authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers.

6. Every port authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, RSMo, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they are consistent with the necessary and proper undertaking of its purposes.

68.070. [If, at any time] **Provided a local or regional port authority has no outstanding obligations**, the legislative body or county commission of a city or county, in which a local port authority is situated, votes, by majority, to dissolve said port authority, the local port authority shall be dissolved effective the date of approval of the dissolution by the highways and transportation commission of the state. If, at any

time, all of the legislative bodies or county commissions of members of a regional port authority vote, by majority, to dissolve the regional port authority, it shall be dissolved effective the date of the approval of dissolution by the highways and transportation commission of the state. In the event of dissolution of a local or regional port authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis.

**68.300. Sections 68.300 to 68.360 shall be known and may be cited as the “Port Improvement District Act”.**

**68.305. As used in sections 68.300 to 68.360, unless the context clearly requires otherwise, the following terms shall mean:**

- (1) “Act”, the port improvement district act, sections 68.300 to 68.360;**
- (2) “Approval”, for purposes of elections under this act, a simple majority of those qualified voters casting votes in any election;**
- (3) “Board”, the board of port authority commissioners for the particular port authority that desires to establish or has established a district;**
- (4) “Director of revenue”, the director of the department of revenue of the state of Missouri;**
- (5) “District” or “port improvement district”, an area designated by the port authority which is located within its port district boundaries at the time of establishment;**
- (6) “Disposal of solid waste or sewage”, the entire process of storage, collection, transportation, processing, and disposal of solid wastes or sewage;**
- (7) “Election authority”, the election authority having jurisdiction over the area in which the boundaries of the district are located under chapter 115;**
- (8) “Energy conservation”, the reduction of energy consumption;**
- (9) “Energy efficiency”, the increased productivity or effectiveness of the use of energy resources, the reduction of energy consumption, or the use of renewable energy sources;**
- (10) “Obligations”, revenue bonds and notes issued by a port authority and any obligations for the repayment of any money obtained by a port authority from any public or private source along with any associated financing costs, including, but not limited to, the costs of issuance, capitalized interest, and debt service;**
- (11) “Owner”, the individual or individuals or entity or entities who own a fee interest in real property that is located within the boundaries of a district based upon the recorded real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to any action;**
- (12) “Petition”, a petition to establish a port improvement district within the port district boundaries or a petition to make a substantial change to an existing district;**
- (13) “Pollution”, the existence of any noxious substance in the air or waters or on the lands of the state in sufficient quantity and of such amounts, characteristics, and duration as to injure or harm the public health or welfare or animal life or property;**
- (14) “Port authority”, a political subdivision established under this chapter;**



**(15) “Port district boundaries”, the boundaries of any port authority on file with the clerk of the county commission, city clerk, or clerk of the legislative or governing body of the county as applicable, which became effective upon approval by the highways and transportation commission of the state of Missouri;**

**(16) “Project” or “port improvement project”, with respect to any property within a port improvement district, or benefitting property within a port improvement district:**

**(a) Providing for, or contracting for the provision of, environmental cleanup, including the disposal of solid waste, services to brownfields, or other polluted real property;**

**(b) Providing for, or contracting for the provision of, energy conservation or increased energy efficiency within any building, structure, or facility;**

**(c) Providing for, or contracting for the provision of, wetland creation, preservation, or relocation;**

**(d) The construction of any building, structure, or facility determined by the port authority as essential in developing energy resources, preventing, reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;**

**(e) Modifications to, or the relocation of, any existing building, structure, or facility that has been acquired or constructed, or which is to be acquired or constructed for the purpose of developing energy resources, preventing, reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;**

**(f) The acquisition of real property determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;**

**(g) The operation, maintenance, repair, rehabilitation, or reconstruction of any existing public or private building, structure, or facility determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;**

**(h) The construction of any new building, structure, or facility that is determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;**

**(17) “Qualified project costs”, include any and all reasonable costs incurred or estimated to be incurred by a port authority, or a person or entity authorized by a port authority, in furtherance of a port improvement project, which costs may include, but are not limited to:**

**(a) Costs of studies, plans, surveys, and specifications;**

**(b) Professional service costs, including, but not limited to, architectural, engineering, legal, research, marketing, financial, planning, consulting, and special services, including professional service costs necessary or incident to determining the feasibility or practicability of any project and carrying out the same;**

**(c) Administrative fees and costs of a port authority in carrying out any of the purposes of this act;**

**(d) Property assembly costs, including, but not limited to, acquisition of land and other property and improvements, real or personal, or rights or interests therein, demolition of buildings and**

structures, and the clearing or grading of land, machinery, and equipment relating to any project, including the cost of demolishing or removing any existing structures;

(e) Costs of operating, rehabilitating, reconstructing, maintaining, and repairing existing buildings, structures, or fixtures;

(f) Costs of constructing new buildings, structures, or fixtures;

(g) Costs of constructing, operating, rehabilitating, reconstructing, maintaining, and repairing public works or improvements;

(h) Financing costs, including, but not limited to, all necessary and incidental expenses related to the port authority's issuance of obligations, which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;

(i) All or a portion of the port authority's capital costs resulting from a port improvement project necessarily incurred or to be incurred in furtherance of a port improvement project, to the extent the port authority accepts and approves such costs; and

(j) Relocation costs, to the extent that a port authority determines that relocation costs shall be paid, or are required to be paid, by federal or state law;

(18) "Qualified voters", for the purposes of an election for the approval of a real property tax or a sales and use tax:

(a) Registered voters residing within the district; or

(b) If no registered voters reside within the district, the owners of one or more parcels of real property within the district, which would be subject to such real property taxes or sales and use taxes, as applicable, based upon the recorded real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

(19) "Registered voters", persons who reside within the district and who are qualified and registered to vote under chapter 115, as determined by the election authority as of the thirtieth day prior to the date of the applicable election;

(20) "Respondent", the Missouri highways and transportation commission, each property owner within the proposed district, the municipality or municipalities within which the proposed district is located, the county or counties within which the proposed district is located, and any other political subdivision within the boundaries of the proposed port improvement district, except the petitioning port authority;

(21) "Revenues", all rents, revenues from any levied real property tax and sales and use tax, charges and other income received by a port authority in connection with any project, including any gift, grant, loan, or appropriation received by the port authority with respect thereto;

(22) "Substantial changes", with respect to an established port improvement district, the addition or removal of real property to or from the port improvement district and any changes to the approved district funding mechanism; and

(23) "Water facilities", any facilities for the furnishing and treatment of water for industrial, commercial, agricultural, or community purposes including, but not limited to, wells, reservoirs,

dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds, storm sewers, storm water detention and retention facilities, and related equipment and machinery.

**68.310. 1.** A port authority may establish one or more port improvement districts within its port district boundaries for the purpose of funding qualified project costs associated with an approved port improvement project. Notwithstanding any provision of sections 68.300 to 68.360 to the contrary, a port authority district shall not have the authority to establish any port improvement district located within any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants. In order to form a district or to make substantial changes to an existing district, the board shall:

(1) Draft a petition in accordance with subsection 2 of this section;

(2) Hold a public hearing in accordance with section 68.315;

(3) Subsequent to the public hearing, approve by resolution the draft petition containing any approved changes and amendments deemed necessary or desirable by a majority of the board members;

(4) File the approved draft petition in the circuit court of the county where the port improvement district is located, requesting the creation of a port improvement district in accordance with sections 68.300 to 68.360; and

(5) Within thirty days of the circuit court's certification of the petition and establishment of the district, file a copy of the board's resolution approving the petition, the certified petition, and the circuit court judgment certifying the petition and establishing the district with the Missouri highways and transportation commission.

**2.** A petition is proper for consideration and approval by the board and the circuit court if, at the time of such approval, it has been signed by property owners collectively owning more than sixty percent per capita of all owners of real property within the boundaries of the proposed district and contains the following information:

(1) The legal description of the proposed district, including a map illustrating the legal boundaries. The proposed district shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements or rights-of-way, or connected by a single public street, easement, or right-of-way shall be considered contiguous;

(2) A district name designation which shall be set out in the following format:

(a) The name of the Missouri county or municipality in which the port district boundaries are filed;

(b) The words "port improvement district"; and

(c) The district designation number, beginning at 1 for the first district formed by that specific port authority, and progressing consecutively upward, irrespective of the year established;

(3) A description of the proposed project or projects for which the district is being formed, and the estimated qualified project costs of such projects;

(4) The maximum rate or rates and duration of any proposed real property tax or sales and use tax, or both, as applicable, needed to fund the project;

**(5) The estimated revenues projected to be generated by any such tax or taxes;**

**(6) The name and address of each respondent;**

**(7) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable;**

**(8) A request that the circuit court certify the projects under the act, approve the proposed real property tax or sales and use tax, or both, as applicable, and establish the district.**

**68.315. 1.** Not more than ten days prior to the submission of the petition to the circuit court, the port authority shall hold or cause to be held a public hearing on the proposed project or projects, proposed real property tax or sales and use tax, or both, as applicable, and the establishment of the proposed district and shall give notice of the public hearing in the manner provided in subsection 3 of this section. All reasonable protests, objections, and endorsements shall be heard at the public hearing.

**2.** The public hearing may be continued to another date without further notice other than a motion to be entered on the official port authority meeting minutes fixing the date, time, and place of the continuance of the public hearing.

**3.** Notice shall be provided by both publication and mailing. Notice by publication shall be given by publication in a newspaper of general circulation within the municipality or county in which the port authority is located at least once not more than fifteen, but not less than ten, days prior to the date of the public hearing. Notice by mail shall be given not more than thirty, but not less than twenty, days prior to the date of the public hearing by sending the notice via registered or certified United States mail with a return receipt attached to the address of record of each owner within the boundaries of the proposed district. The published and mailed notices shall include the following:

**(1) The date, time, and place of the public hearing;**

**(2) A statement that a petition for the establishment of a district has been drafted for public hearing by the board;**

**(3) The boundaries of the proposed district by street location, or other readily identifiable means if no street location exists, and a map illustrating the proposed boundaries;**

**(4) A brief description of the projects proposed to be undertaken, the estimated cost thereof, and the proposed method of financing such costs by a real property tax or sales and use tax, or both, as applicable;**

**(5) A statement that a copy of the petition is available for review at the office of the port authority during regular business hours;**

**(6) The address of the port authority's office; and**

**(7) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.**

**68.320. 1.** Within thirty days after the petition is filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the

proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. The respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the petition. Any resident or taxpayer within the proposed district not qualifying as a respondent may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk under section 68.325.

2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or in part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. The court shall then certify the single question regarding the proposed real property tax or sales and use tax, or both, as applicable, needed to fund the project for voter approval. If no objections to the petition are timely filed, the court may make such certifications based upon the pleadings before it without any hearing.

3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory judgment in the same manner provided for other appeals.

68.325. The circuit court clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

#### NOTICE OF PETITION TO CREATE A PORT IMPROVEMENT DISTRICT

Notice is hereby given to all persons residing or owning property in .....  
 ..(here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that a port improvement district by the name of "..... Port District No. ...." be formed for the purpose of developing the following projects: (here summarize the proposed project or projects). A copy of this petition is on file and available at the office of the clerk of the circuit court of ..... County, located at ....., Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the port improvement district and requesting a declaratory judgment, as required by law, no later than the ..... day of ....., 20..... You may show cause, if any, why such petition is defective or proposed port improvement district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be approved as directed by this court.

.....

Clerk of the Circuit Court of ..... County

68.330. 1. Upon the port authority's own initiative, and after proper notice being provided and a public hearing being conducted in accordance with subsection 2 of this section, any district may be terminated by a resolution of the board, provided that there are no outstanding obligations secured

in any way by district revenues produced from such district. A copy of such resolution shall be filed with the Missouri highways and transportation commission within thirty days of its passage.

2. The public hearing required by this section shall be held and notice of such public hearing shall be given in the manner set forth in section 68.315. The notice shall contain the following information:

- (1) The date, time, and place of the public hearing;
- (2) A statement that the port authority proposes a resolution terminating the district; and
- (3) A statement that all interested parties will be given an opportunity to be heard.

3. Notwithstanding the requirements of this section, if the port authority that has formed the district is dissolved in accordance with this chapter, the district shall automatically be terminated, and any taxes levied shall simultaneously be repealed, except that this subsection shall not apply in such instance when a local port authority is dissolved under subsection 6 of section 68.060 in order to consolidate into a regional port authority.

68.335. 1. For the purposes of providing funds to pay all, or any portion of, the qualified project costs associated with any approved project, subsequent to the establishment of a district under this act, and subsequent to the circuit court's certification of a question regarding any proposed real property tax needed to fund a project, a port authority may levy by resolution a tax upon real property within the boundaries of the district; provided however, no such resolution shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election conducted in accordance with section 68.355, the circuit court's certified question regarding such proposed real property tax. If a majority of the votes cast by the qualified voters voting on the proposed real property tax are in favor of the tax, then the resolution shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the real property tax, then the resolution seeking to levy the real property tax shall be deemed to be null and void on the date on which the election may no longer be challenged under section 68.355. The port authority may levy a real property tax rate lower than the tax rate ceiling approved by the qualified voters under subsection 1 of this section and may, by resolution, increase that lowered tax rate to a level not exceeding the tax rate ceiling without approval of the qualified voters.

2. The ballot shall be substantially in the following form:

"Shall the ..... (insert name of district) impose a real property tax upon (all real property) within the district at a rate of not more than ..... (insert amount) dollars per hundred dollars assessed valuation for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of project or projects) in the district?"

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. A port authority may repeal or amend by resolution any real property tax imposed under this section before the expiration date of such real property tax unless the repeal or amendment of such real property tax will impair the port authority's ability to repay any obligations the port authority has incurred to pay any part of the cost of a port improvement project.

**4. All property, real and personal, assessed under sections 151.010 to 151.340 is hereby specifically exempted from taxes levied, assessed, or payable under this section unless such real property tax levy is agreed to in writing by the property's owner.**

**68.340. 1. The county collector of each county in which the district is located, or the collector for the city in which the district is located if the district is located in a city not within a county, shall collect the real property tax made upon all real property within that county and district, in the same manner as other real property taxes are collected.**

**2. Every county or municipal collector and treasurer having collected or received district real property taxes shall, on or before the fifteenth day of each month and after deducting the reasonable and actual cost of such collection but not to exceed one percent of the total amount collected, remit to the port authority the amount collected or received by the port authority prior to the first day of such month. Upon receipt of such money, the port authority shall execute a receipt therefor, which shall be forwarded or delivered to the county collector or city treasurer who collected such money. The port authority shall deposit such sums which are designated for a specific project into a special trust fund to be expended solely for such purpose, or to the port authority treasury if such sums are not designated. The county or municipal collector or treasurer, and port authority shall make final settlement of the port authority account and costs owing, not less than once each year, if necessary.**

**3. Upon the expiration of any real property tax adopted under this section which is designated for a specific project, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the ballot adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the port authority under applicable laws relating to the investment of other port authority funds and the port authority may use such funds for other approved port improvement projects.**

**68.345. 1. For the purposes of providing funds to pay all, or any portion of, the qualified project costs associated with any approved project, subsequent to the establishment of a district under this act, and subsequent to the circuit court's certification of a question regarding any proposed sales and use tax needed to fund a project, a port authority may levy by resolution a district wide sales and use tax on all retail sales made in such district which are subject to taxation under sections 144.010 to 144.525, except sales of motor vehicles, trailers, boats or outboard motors, and sales to or from public utilities. Any sales and use tax imposed under this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent; except that, no resolution adopted under this section shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election conducted in accordance with section 68.350, the circuit court's certified question regarding such proposed sales and use tax. If a majority of the votes cast by the qualified voters on the proposed sales and use tax are in favor of the sales and use tax, then the resolution shall become effective. If a majority of the votes cast by the qualified voters are opposed to the sales and use tax, then the resolution seeking to levy the sales and use tax shall be deemed null and void on the date on which the election may no longer be challenged under section 68.355.**

**2. The ballot shall be substantially in the following form:**

**"Shall the ..... (insert name of district) impose a district wide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for**

..... (insert general description of project or projects)?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the question, place an “X” in the box opposite “NO”.”

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the port authority shall, in accordance with section 32.087, notify the director of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of such sales and use tax.

4. The director of revenue shall collect any sales and use tax adopted under this section and section 32.087.

5. In each district in which a sales and use tax is imposed under this section, every retailer shall add such additional tax imposed by the port authority to such retailer’s sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. The penalties provided in sections 144.010 to 144.525 shall apply to violations of this section.

7. All revenue received by the port authority from a sales and use tax imposed under this section which is designated for a specific project shall be deposited into a special trust fund to be expended solely for such purpose, or to the port authority’s treasury if such sums are not designated. Upon the expiration of any sales and use tax adopted under this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the ballot adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the port authority under applicable laws relating to the investment of other port authority funds and the port authority may use such funds for other approved port improvement projects.

8. A port authority may repeal by resolution any sales and use tax imposed under this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the port authority’s ability to repay, or unless the sales and use tax in any way secure any outstanding obligations the port authority has incurred to pay any part of the qualified project costs of any approved port improvement project.

68.350. 1. Notwithstanding the provisions of chapter 115, except the provisions of section 115.125, when applicable, an election for any proposed real property tax or proposed sales and use tax, or both, within a district under this act shall be conducted in accordance with the provisions of this section.

2. After the board has passed a resolution approving the levy of a real property tax or a sales and use tax, or both, the board shall provide written notice of such resolution, along with the circuit court’s certified question regarding the real property tax or the sales and use tax, or both, as applicable, to the election authority. The board shall be entitled to repeal or amend such resolution provided that written notice of such repeal or amendment is delivered to the election authority prior to the date that the election authority mails the ballots to the qualified voters.

3. Upon receipt of written notice of a port authority’s resolution, along with the circuit court’s



certified question, for the levy of a real property tax or a sales and use tax, or both, the election authority shall:

(1) Specify a date upon which the election shall occur, which date shall be a Tuesday and shall be, unless otherwise approved by the board, election authority, and applicable circuit court under section 115.125, not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date the board passes the resolution and shall not be on the same day as an election conducted under the provisions of chapter 115;

(2) Publish notice of the election in a newspaper of general circulation within the municipality two times. The first publication date shall be not more than forty-five, but not less than thirty-five, days prior to the date of the election, and the second publication date shall be not more than twenty, and not less than ten, days prior to the date of the election. The published notice shall include, but not be limited to, the following information:

(a) The name and general boundaries of the district;

(b) The type of tax proposed (real property tax or sales and use tax or both), its rate or rates, and its purpose or purposes;

(c) The date the ballots for the election shall be mailed to qualified voters;

(d) The date of the election;

(e) The applicable definition of qualified voters;

(f) A statement that persons residing in the district shall register to vote with the election authority on or before the thirtieth day prior to the date of the election in order to be a qualified voter for purposes of the election;

(g) A statement that the ballot must be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked, not later than the date of the election; and

(h) A statement that any qualified voter that did not receive a ballot in the mail or lost the ballot received in the mail may pick up a mail-in ballot at the election authority's office, specifying the dates and time such ballot will be available and the location of the election authority's office;

(3) The election authority shall mail the ballot, a notice containing substantially the same information as the published notice, and a return addressed envelope directed to the election authority's office with a sworn affidavit on the reverse side of such envelope for the qualified voter's signature to each qualified voter not more than fifteen days and not less than ten days prior to the date of the election. For purposes of mailing ballots to real property owners, only one ballot shall be mailed per capita at the address shown on the official or recorded real estate records of the county recorder or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to the date of the election. Such affidavit shall be in substantially the following form:

**FOR REGISTERED VOTERS:**

I hereby declare under penalties of perjury that I reside in the ..... Port Improvement District No. .... (insert name of district) and I am a registered voter and qualified

to vote in this election.

.....

**Qualified Voter's Signature**

.....

**Printed Name of Qualified Voter**

**FOR REAL PROPERTY OWNERS:**

I hereby declare under penalty of perjury that I am the owner of real property in the ..... Port Improvement District No. .... (insert name of district) and qualified to vote in this election, or authorized to affix my signature on behalf of the owner (named below) of real property in the ..... Port Improvement District No. .... (insert name of district) which is qualified to vote in this election.

.....

**Signature**

.....

**Print Name of Real Property Owner**

**If Signer is Different from Owner:**

**Name of Signer:** .....

**State Basis of Legal Authority to Sign:** .....

All persons or entities having a fee ownership in the property shall sign the ballot. Additional signature pages may be affixed to this ballot to accommodate all required signatures.

4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the authorized signature.

5. Mail-in ballots shall be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked no later than the date of the election. The election authority shall transmit all voted ballots to a team of judges of not less than four. The judges shall be selected by the election authority from lists it has compiled. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the election authority. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115.

6. The results of the election shall be entered upon the records of the election authority and two certified copies of the election results shall be filed with the port authority and entered upon the records of the port authority.

7. The port authority shall reimburse the election authority for the costs it incurs to conduct an election under this section.

8. Notwithstanding anything to the contrary, nothing in this act shall prevent a port authority from proposing both a real property tax levy question and a sales and use tax levy question to the

**district's qualified voters in the same election.**

**68.355. No lawsuit to set aside a district established or a tax levied under this act, or to otherwise question the validity of the proceedings related thereto, shall be brought after the expiration of ninety days from the effective date of the circuit court judgment establishing such district in question or the effective date of the resolution levying such tax in question.**

**68.359. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 68.025 to 68.360 shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of sections 68.025 to 68.360.**

**68.360. 1. The provisions of this section shall only apply to a port authority that has formed a district.**

**2. In addition to any other report required of a port authority, within one hundred twenty days following the last day of the port authority's fiscal year, the board shall submit a report to the clerk of either the municipality or county which formed the port authority under section 68.010, and to the Missouri department of transportation stating the services provided, revenues collected and expenditures made by the district during such fiscal year, and copies of written resolutions approved by the board during the fiscal year. The municipal clerk or county clerk, as applicable, shall retain this report as part of the official records of the municipality or county and shall also cause this report to be spread upon the records of the governing body.**

**3. In addition to the report required under subsection 2 of this section, upon the approval by the qualified voters of a real property tax or sales and use tax, or both, in accordance with the act, each authority shall annually submit a report to the auditor of the state of Missouri in accordance with section 105.145.**

**68.370. Any expenditure made by the port authority that is over twenty-five thousand dollars, including professional service contracts, shall be competitively bid.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 32

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 2, Section 48.020, Line 33, by inserting after all of said line the follow:

**“66.720. No county with a charter form of government and with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants shall adopt any charter provision or any order or ordinance that prohibits such county from contracting out the county's probation services with a private entity.”; and**

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

**“Section C. The emergency clause contained in Section B of this act shall not apply to section 66.720 of Section A of this act.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 33

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 808, Page 21,

Section 94.832, Line 50, by inserting after all of said line the following:

**“104.405. 1. This section shall be known and may be cited as the “2010 State Employee Retirement Incentive Program”.**

**2. As used in this section, “years of service incentive benefit” means for employees eligible to retire under section 104.406, with at least ten years of creditable service, an amount equal to one thousand dollars for each year of creditable service up to a maximum of twenty years of creditable service.**

**3. Any employee retiring under section 104.406 shall be eligible to receive the years of service incentive benefit.**

**4. The state, through the office of administration, shall pay the years of service incentive benefit to the member or the member’s beneficiary in five equal installments beginning in January of 2011 and each January thereafter until all five equal installments have been paid.**

**5. (1) The office of administration shall administer the program and shall adopt administrative rules to administer the program. The office of administration may adopt rules on an emergency basis to implement this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules.**

**(2) Records of the Missouri state employees’ retirement system shall be released for the purposes of administering and monitoring the program.**

**(3) The office of administration shall present an interim report to the general assembly, by March 31, 2011, concerning the operation of the program. The office of administration shall also submit an annual update concerning the program by December thirty-first of each year for four years, commencing December 31, 2011. The reports shall include information concerning the number of program participants, the cost of the program including any payments made to participants, the number of state employment positions not filled under the program, and the number of positions vacated by a program participant that have been refilled.**

**104.406. 1. Any employee who has not been a retiree of the system, who is eligible to receive a normal annuity under section 104.080, 104.090, 104.100, 104.271, or 104.400, or a life annuity under section 104.1024 and terminates employment on or after December 31, 2009, after reaching normal eligibility and becomes a retiree within sixty days of such termination whose annuity commences on or after January 1, 2010, but no later than December 1, 2010, shall be eligible to receive the years of service incentive benefit described in section 104.405. This subsection shall not apply to any employee whose eligibility to retire is based solely on early retirement eligibility. Any employee eligible to receive the years of service incentive benefit described in section 104.405 who terminates employment on or after December 31, 2009, after reaching normal eligibility but before the effective date of this section and becomes a retiree within sixty days of such termination whose annuity commences on or after January 1, 2010, but no later than December 1, 2010, shall be made, constituted, and appointed by the board as a special consultant on the problems of retirement, aging, and other matters relating to retirement and shall be eligible for additional compensation. As additional compensation for such services, each special consultant shall be eligible for the years of service incentive benefit described in section 104.405. In no event shall any years of service incentive benefit described in section 104.405 be provided to any individual retiring outside the dates outlined in this section.**

**2. The state may hire employees to replace those employees retiring under this section and section**

**104.405, except that departments shall not fill those positions vacated using more than fifty percent of the personal service funds of the positions vacated. Exceptions to the fifty percent restriction may be made for positions which are entirely federally funded. Such determination shall be made by rule and regulation promulgated by the office of administration.**

**3. An employee making an election to retire under the provisions of this section and section 104.405 shall be prohibited from any employment with any department as defined in this chapter.**

**4. The governing boards of Truman State University, Lincoln University, the educational institutions described in section 174.020, the highway commission that governs the health care plans of the Missouri department of transportation and the Missouri state highway patrol, and the conservation commission of the department of conservation may elect to provide its employees or retirees who retire under this section the same benefits as described in this section and section 104.405.**

**5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**

**6. The Missouri state employees' retirement system shall make a report in writing to the commissioner of administration by January 31, 2011, regarding the number of state employees eligible to retire under this section and the number of actual retirements under this section. The commissioner of administration shall report in writing by March 31, 2011, to the governor and the general assembly regarding the information provided by the Missouri state employees' retirement system and the years of service incentive benefit payments, including an analysis of the costs and savings as a result of such retirements, the amount of payroll reduced, and the number of positions that are core cut as a result of such retirements.”; and**

Further amend said bill, Page 24, Section B, Line 6, by inserting after all of said line the following:

“Section C. Because immediate action is necessary to address the current fiscal crisis, the repeal and reenactment sections 104.405 and 104.406 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of Sections 104.405 and 104.406 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS for HB 2070**, as amended. Representatives: Kelly, Bruns, Hobbs, Wasson and Quinn.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 791**, as amended. Representatives: Emery, Pollock, Riddle, Walsh and Zimmerman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 981**, as amended. Representatives: Sutherland, Hobbs, Nance, Kelly and Komo.

### PRIVILEGED MOTIONS

Senator Dempsey moved that the Senate refuse to adopt **CCR** on **HCS** for **SCS** for **SB 754**, as amended, and request the House to grant further conference thereon, which motion prevailed.

Senator Callahan moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 808**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, and further that the conferees be allowed to exceed the differences on **HA 4**, as amended, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Champion moved that **SCS** for **SB 583**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 583**, as amended, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 583

An Act to repeal sections 301.560, 303.025, 303.040, 354.442, 375.1152, 375.1155, 375.1175, 375.1255, 376.717, 376.718, 376.724, 376.725, 376.732, 376.733, 376.734, 376.735, 376.737, 376.738, 376.740, 376.743, 376.758, 376.816, 376.1109, 376.1450, 452.430, 454.515, and 525.233, RSMo, and to enact in lieu thereof forty-two new sections relating to insurance regulation, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Champion moved that **HCS** for **SCS** for **SB 583**, as amended, be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

#### NAYS—Senators—None

#### Absent—Senators

Dempsey                      Wright-Jones—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Champion, **HCS** for **SCS** for **SB 583**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### HOUSE BILLS ON THIRD READING

**HJR 62** was placed on the Informal Calendar.

**HB 2290**, introduced by Representative Wasson, entitled:

An Act to repeal section 208.010, RSMo, and to enact in lieu thereof one new section relating to public

assistance benefits.

Was taken up by Senator Justus.

Senator Bray assumed the Chair.

Senator Justus offered **SS** for **HB 2290**, entitled:

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 2290**

An Act to repeal section 208.010, RSMo, and to enact in lieu thereof two new sections relating to public assistance benefits.

Senator Justus moved that **SS** for **HB 2290** be adopted, which motion prevailed.

On motion of Senator Justus, **SS** for **HB 2290** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

**NAYS—Senators—None**

**Absent—Senators—None**

**Absent with leave—Senators—None**

**Vacancies—None**

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 741**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.



**PRIVILEGED MOTIONS**

Senator Pearce moved that **SCS** for **SB 777**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 777**, as amended, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 777**

An Act to repeal sections 408.052, 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof five new sections relating to the sale of certain financial products and plans associated with certain loan transactions, with penalty provisions for a certain section.

Was taken up.

Senator Pearce moved that **HCS** for **SCS** for **SB 777**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, **HCS** for **SCS** for **SB 777**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 741**, as amended: Senators Griesheimer, Dempsey, Pearce, Shoemyer and Callahan.

### **PRIVILEGED MOTIONS**

Senator Pearce moved that the Senate refuse to recede from its position on **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, as amended, and grant the House a conference thereon, which motion prevailed.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 1007**, entitled:

An Act to repeal sections 105.711, 148.340, 148.350, 148.370, 148.380, 172.850, 199.010, 199.200, 199.210, 199.230, 199.240, 199.250, 199.260, 208.010, 208.152, 208.215, 208.453, 208.895, 208.909, 208.918, and 660.300, RSMo, and to enact in lieu thereof twenty-seven new sections relating to public assistance programs administered by the state, with penalty provisions for a certain section and an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4 and 5.

#### **HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1007, Section 208.895, Pages 37 - 38, Lines 25 - 44, by deleting all of said lines and insert in lieu thereof the following:

**“2. The department of health and senior services may contract for initial home and community based assessments, including a care plan, through an independent third-party assessor. The contract shall include a requirement that:**

**(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and**

**(2) The contractor notify the referring entity within five days of receipt of referral if additional information is needed to process the referral.**

**The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract.**

**3. The two nurse visits authorized by section 660.300.16, RSMo shall continue to be performed by home and community based providers for including, but not limited to, reassessment and level of care recommendations. These reassessments and care plan changes shall be reviewed and approved by the independent third party assessor. In the event of dispute over the level of care required, the third party assessor will conduct a face to face review with the client in question.**

**4. The provisions of this section shall expire three years after the effective date of this section.”;**  
and

Further amend said Bill, Section 208.909, Page 40, Line 74, by inserting after all of said line the following:

**“6. In the event that a consensus between centers for independent living and representatives from the executive branch cannot be reached, the telephony report issued to the General Assembly and governor shall include a minority report which will detail those elements of substantial dissent from the main report.**

**7. No interested party, including a center for independent living, shall be required to contract with any particular vendor or provider of telephony services nor bear the full cost of the pilot program.”;**  
and

Further amend said Bill, Section 660.023, Pages 40 - 41, Lines 1 and 4 by deleting the year “**2012**” and insert in lieu thereof the year “**2015**”; and

Further amend said Bill and Section, Page 41, Line 29, by inserting after all of said line the following:

**“5. The department of health and senior services, in collaboration with other appropriate agencies, including in-home services providers, shall establish telephone tracking system pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall meet the requirements of this section and section 208.918. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of a telephone tracking system on the quality of the services delivered to the consumer and the principles of self-directed care.**

**6. In the event that a consensus between in-home service providers and representatives from the executive branch cannot be reached, the telephony report issued to the General Assembly and governor shall include a minority report which will detail those elements of substantial dissent from the main report.**

**7. No interested party, including in-home service providers, shall be required to contract with any particular vendor or provider of telephony services nor bear the full cost of the pilot program.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1007, Section 660.300, Page 45, Line 117, by inserting after all of said section and line the following:

**“660.425. 1. In addition to all other fees and taxes required or paid, a tax is hereby imposed upon in-home services providers for the privilege of providing in-home services [under chapter 208, RSMo]. The**

tax is imposed upon payments received by an in-home services provider for the provision of in-home services [under chapter 208, RSMo].

2. For purposes of sections 660.425 to 660.465, the following terms shall mean:

(1) “Engaging in the business of providing in-home services”, all payments received by an in-home services provider for the provision of in-home services [under chapter 208, RSMo];

(2) “In-home services”, homemaker services, personal care services, chore services, respite services, consumer-directed services, and services, when provided in the individual’s home and under a plan of care created by a physician, necessary to keep children out of hospitals. “In-home services” shall not include home health services as defined by federal and state law;

(3) “In-home services provider”, any provider or vendor, as defined in section 208.900, RSMo, of compensated in-home services [under chapter 208, RSMo], and under a provider agreement or contracted with the department of social services or the department of health and senior services.

660.430. 1. Each in-home services provider in this state providing in-home services [under chapter 208, RSMo,] shall, in addition to all other fees and taxes now required or paid, pay an in-home services gross receipts tax, not to exceed six and one-half percent of gross receipts, for the privilege of engaging in the business of providing in-home services in this state.

2. Each in-home services provider’s tax shall be based on a formula set forth in rules promulgated by the department of social services. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.

This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. The director of the department of social services or the director’s designee may prescribe the form and contents of any forms or other documents required by sections 660.425 to 660.465.

4. Notwithstanding any other provision of law to the contrary, appeals regarding the promulgation of rules under this section shall be made to the circuit court of Cole County. The circuit court of Cole County shall hear the matter as the court of original jurisdiction.

660.435. 1. For purposes of assessing the tax under sections 660.425 to 660.465, the department of health and senior services shall make available to the department of social services a list of all providers and vendors under this section.

2. Each in-home services provider subject to sections 660.425 to 660.465 shall keep such records as may be necessary to determine the total payments received for the provision of in-home services [under chapter 208, RSMo,] by the in-home services provider. Every in-home services provider shall submit to the department of social services a statement that accurately reflects such information as is necessary to determine such in-home services provider’s tax due.

3. The director of the department of social services may prescribe the form and contents of any forms or other documents required by this section.

4. Each in-home services provider shall report the total payments received for the provision of in-home services [under chapter 208, RSMo,] to the department of social services.

660.445. 1. The determination of the amount of tax due shall be the total amount of payments reported to the department multiplied by the tax rate established by rule by the department of social services.

2. The department of social services shall notify each in-home services provider of the amount of tax due. Such amount may be paid in increments over the balance of the assessment period.

3. The department of social services may adjust the tax due quarterly on a prospective basis. The department of social services may adjust the tax due more frequently for individual providers if there is a substantial and statistically significant change in the in-home services provided or in the payments received for such services provided [under chapter 208, RSMo]. The department of social services may define such adjustment criteria by rule.

660.455. 1. The in-home services tax owed or, if an offset has been made, the balance after such offset, if any, shall be remitted by the in-home services provider to the department of social services. The remittance shall be made payable to the director of the department of social services and shall be deposited in the state treasury to the credit of the "In-home Services Gross Receipts Tax Fund" which is hereby created to provide payments for in-home services provided [under chapter 208, RSMo]. All investment earnings of the fund shall be credited to the fund.

2. An offset authorized by section 660.450 or a payment to the in-home services gross receipts tax fund shall be accepted as payment of the obligation set forth in section 660.425.

3. The state treasurer shall maintain records showing the amount of money in the in-home services gross receipts tax fund at any time and the amount of investment earnings on such amount.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the in-home services gross receipts tax fund at the end of the biennium shall not revert to the credit of the general revenue fund.

660.460. 1. The department of social services shall notify each in-home services provider with a tax due of more than ninety days of the amount of such balance. If any in-home services provider fails to pay its in-home services tax within thirty days of such notice, the in-home services tax shall be delinquent.

2. If any tax imposed under sections 660.425 to 660.465 is unpaid and delinquent, the department of social services may proceed to enforce the state's lien against the property of the in-home services provider and compel the payment of such assessment in the circuit court having jurisdiction in the county where the in-home services provider is located. In addition, the department of social services may cancel or refuse to issue, extend, or reinstate a Medicaid provider agreement to any in-home services provider that fails to pay the tax imposed by section 660.425.

3. Failure to pay the tax imposed under section 660.425 shall be grounds for failure to renew a provider agreement for services [under chapter 208, RSMo,] or failure to renew a provider contract. The department of social services may revoke the provider agreement of any in-home services provider that fails to pay such tax, or notify the department of health and senior services to revoke the provider contract.

660.465. 1. The in-home services tax required by sections 660.425 to 660.465 shall expire:

(1) Ninety days after any one or more of the following conditions are met:

(a) The aggregate in-home services fee as appropriated by the general assembly paid to in-home services providers for in-home services provided [under chapter 208, RSMo,] is less than the fiscal year 2010 in-home services fees reimbursement amount; or

(b) The formula used to calculate the reimbursement as appropriated by the general assembly for in-home services provided is changed resulting in lower reimbursement to in-home services providers in the aggregate than provided in fiscal year 2010; or

(2) September 1, [2011] **2012**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection.

2. Sections 660.425 to 660.465 shall expire on September 1, [2011] **2012**.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1007, Section 208.027, Page 20, Line 37, by inserting after all of said section and line the following:

**“208.046. 1. The children’s division shall promulgate rules to become effective no later than July 1, 2011, to modify the income eligibility criteria for any person receiving state-funded child care assistance under this chapter, either through vouchers or direct reimbursement to child care providers, as follows:**

**(1) Child care recipients eligible under this chapter and the criteria set forth in 13 CSR 35-32.010, may pay a fee based on adjusted gross income and family size unit based on a child care sliding fee scale established by the children’s division, which shall be subject to appropriations. However, a person receiving state-funded child care assistance under this chapter and whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the children’s division, at which time such person will have assumed the full cost of the maximum base child care subsidy rate established by the children’s division and shall be no longer eligible for child care subsidy benefits;**

**(2) The sliding scale fee may be waived for children with special needs as established by the division; and**

**(3) The maximum payment by the division shall be the applicable rate minus the applicable fee.**

**2. For purposes of this section, “annual appropriation level” shall mean the maximum income level to be eligible for a full child care benefit as determined through the annual appropriations process.**

**3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1007, Section 148.380, Page 12, Line 45 by inserting after all of said line the following:

“167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner’s qualifications, and method of payment through either:

- (1) Insurance;
- (2) The state Medicaid program;
- (3) Complimentary; or
- (4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;
- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

7. [Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset act, the provisions of the program authorized under this section are hereby reauthorized and shall automatically sunset on June 30, 2020.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1007, Page 13, Section 172.850, Line 7 by inserting after all of said line the following:

"191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

**2. For purposes of this chapter, a written request may include an electronic communication, to the extent that the provider chooses to and is prepared to respond to an electronic communication requesting the patient's health history and treatment record. Any request or release of such records shall comply with applicable privacy and security provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its regulations and applicable state law and regulations.**

**3. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:**

(1) Copying, in an amount not more than seventeen dollars and five cents plus forty cents per page for the cost of supplies and labor;

(2) Postage, to include packaging and delivery cost; and

(3) Notary fee, not to exceed two dollars, if requested.

3. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.



4. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

5. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's Internet web site by February first of each year."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, as amended: Senators Pearce, Shields, Rupp, Days and Wilson.

#### **PRIVILEGED MOTIONS**

Senator Dempsey moved that the Senate refuse to concur in **HCS** for **SS** for **SB 1007**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

#### **RESOLUTIONS**

Senator Rupp offered Senate Resolution No. 2528, regarding Emily Elam, O'Fallon, which was adopted.

On motion of Senator Engler, the Senate recessed until 2:00 p.m.

#### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Stouffer.

#### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SB 741**, as amended. Representatives: Dugger, Smith (150), Deeken, Conway and Frame.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SS**

**No. 2 for SCS for HCS No. 2 for HB 1543**, as amended. Representatives: Wallace, Schad, Stream, Lampe and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SBs 586 and 617**, entitled:

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions and a severability clause.

With Parts 1, 2, 3 and 4.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 753**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 829**, entitled:

An Act to repeal sections 67.320, 67.402, 71.285, 195.233, 195.505, 209.200, 211.031, 217.045, 302.020, 302.321, 303.025, 479.260, 488.5050, 491.170, 545.030, 559.036, 559.100, 559.105, 559.604, 568.040, 570.120, 571.030, 575.060, 595.036, 595.037, and 595.060, RSMo, and to enact in lieu thereof thirty-two new sections relating to the justice system, with penalty provisions and an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 1, Section A, Line 8, by inserting after all of said section and line the following:

**“50.567. In every county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants the chief governing body of such county shall establish a “Jury Service Expense Fund” for the purpose of aiding with payment of expenses related to compensation of jurors for jury service under the provisions of subsection 4 of section 494.455. The fund shall consist of moneys collected in the basic funding for jury service calculated at the rate of six dollars per day. The fund shall be administered by the court en banc of the judicial circuit and may be audited as are all other county funds.”; and**

Further amend said bill, Pages 7-8, Section 209.200, by removing all of said section from the bill; and

Further amend said bill, Page 16, Section 491.170, Line 5, by inserting after all of said section and line the following:

**“494.455. 1. Each county or city not within a county may elect to compensate its jurors pursuant to subsection 2 of this section except as otherwise provided in [subsection] subsections 3 and 4 of this section.**

2. Each grand and petit juror shall receive six dollars per day, for every day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to this subsection in the amount of at least six dollars per day in addition to the amount required by this subsection, a person shall receive an additional six dollars per day to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

3. In any county of the first classification without a charter form of government and with a population of at least two hundred thousand inhabitants, no grand or petit juror shall receive compensation for the first two days of service, but shall receive fifty dollars per day for the third day and each subsequent day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county.

**4. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants no grand or petit juror shall receive compensation for the first day of service. For the second day of service each grand and petit juror shall receive six dollars per day. For the third and each subsequent day he or she may actually serve as such each grand and petit juror shall receive forty dollars per day. No petit or grand juror shall receive pay for mileage for any day of service.**

5. When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a statement of fees earned by each juror. Within thirty days of the submission of the statement of fees, the governing body shall cause payment to be made to those jurors summoned the fees earned during their service as jurors.”; and

Further amend said bill, Page 26, Section 568.040, Line 2, by enclosing in brackets “[ ]” the phrase “, without good cause,”; and

Further amend said bill, Page 27, Section 568.040, Line 61, by inserting after all of said section and line the following:

“569.090. 1. A person commits the crime of tampering in the second degree if he or she:

(1) Tampers with property of another for the purpose of causing substantial inconvenience to that person

or to another; or

(2) Unlawfully **enters or** rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or

(3) Tamper or makes connection with property of a utility; or

(4) Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:

(a) To prevent the proper measuring of electric, gas, steam or water service; or

(b) To permit the diversion of any electric, gas, steam or water service.

2. In any prosecution under subdivision (4) of subsection 1, proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one or more of the effects described in subdivision (4) of subsection 1, shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

3. Tampering in the second degree is a class A misdemeanor unless:

(1) Committed as a second or subsequent violation of subdivision (2) **or** (4) of subsection 1, in which case it is a class D felony;

(2) The defendant has a prior conviction or has had a prior finding of guilt pursuant to paragraph (a) of subdivision (3) of subsection 3 of section 570.030, RSMo, section 570.080, RSMo, or subdivision (2) of subsection 1 of this section, in which case it is a class C felony.”; and

Further amend said bill, Page 38, Section 650.470, Line 50, by inserting after all of said section and line the following:

**“Section 1. There is hereby created the “Criminal Justice Review Commission” whose purpose is to study the number of nonviolent offenders who are incarcerated in the department of corrections and the cost and effectiveness of their incarceration and to make recommendations regarding nonviolent offender incarceration, sentencing, and diversion programs. The commission shall make annual reports to the governor, the speaker of the house, and the president pro tem of the senate no later than November 1 of each year. Members of the commission shall include a senator appointed by the president pro tem of the senate, a representative appointed by the speaker of the house, a judge appointed by the chief justice of the supreme court, the executive director of the office of prosecution services, the executive director of the association of counties, an individual appointed by the public defender commission, an individual appointed by the sentencing advisory commission, an individual appointed by the drug courts coordinating commission, the director of the department of corrections, the state budget director, and three individuals appointed by the governor including a county sheriff and a representative of a crime victims rights organization.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 10, Section 217.045, Line 10, by inserting after all of said line the following:

“301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, proof of a motor vehicle safety inspection and any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026, RSMo.

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period.

**4. Notwithstanding any provision of section 301.020, this section, or any other provision of law to the contrary, the director of revenue may provide owners of motor vehicles with a gross weight exceeding twenty thousand pounds, other than commercial vehicles, the option of triennially registering motor vehicles.**

301.227. 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years after the manufacturer's model year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer's model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

2. Whenever a vehicle is classified as “junk”, as defined in section 301.010, the purchaser may forward

to the director of revenue the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such certificate may be granted within thirty days of the submission of a request.

3. Upon receipt of a properly completed application for a junking certificate, the director of revenue shall issue to the applicant a junking certificate which shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap or junk, and a certificate of title shall not again be issued for such vehicle; except that, the initial purchaser shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of title or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to subdivision (51) of section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

**9. Notwithstanding any provision of law to the contrary, the owner of a vehicle for which a junking certificate has been issued may petition the circuit court in the county in which the vehicle is registered to void the junking certificate and issue a salvage title for the vehicle.”; and**

Further amend said bill, Page 13, Section 303.025, Line 40, by inserting after all of said section and line the following:

“306.127. 1. [Beginning January 1, 2005,] Every person born after January 1, 1984, or as required pursuant to section 306.128, who operates a vessel on the lakes of this state shall possess, on the vessel, a boating safety identification card issued by the Missouri state water patrol or its agent, **or a Missouri driver’s license or nondriver’s license with an endorsement**, which shows that he or she has:

(1) Successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the Missouri state water patrol. The boating safety course may include a course sponsored by the United States Coast Guard Auxiliary or the United States Power Squadron. The Missouri state water patrol may appoint agents to administer a boater education course or course equivalency examination and issue boater identification cards under guidelines established by the water patrol. The Missouri state water patrol shall maintain a list of approved courses; or

(2) Successfully passed an equivalency examination prepared by the Missouri state water patrol and administered by the Missouri state water patrol or its agent. The equivalency examination shall have a degree of difficulty equal to, or greater than, that of the examinations given at the conclusion of an approved boating safety course; or

(3) A valid master’s, mate’s, or operator’s license issued by the United States Coast Guard.

2. The Missouri state water patrol or its agent shall issue a permanent boating safety identification card to each person who complies with the requirements of this section which is valid for life unless invalidated pursuant to law.

3. The Missouri state water patrol may charge a fee for such card or any replacement card that does not substantially exceed the costs of administering this section. The Missouri state water patrol or its designated agent shall collect such fees. These funds shall be forwarded to general revenue.

4. The provisions of this section shall not apply to any person who:

(1) Is licensed by the United States Coast Guard to serve as master of a vessel;

(2) Operates a vessel only on a private lake or pond that is not classified as waters of the state;

(3) [Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;

(4)] Is participating in an event or regatta approved by the water patrol;

[(5)] (4) Is a nonresident who has proof of a valid boating certificate or license issued by another state if the boating course is approved by the National Association of State Boating Law Administrators (NASBLA);

[(6)] (5) Is exempted by rule of the water patrol;

[(7)] (6) Is currently serving in any branch of the United States armed forces, reserves, or Missouri national guard, or any spouse of a person currently in such service; or

[(8)] (7) Has previously successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA).

5. [The Missouri state water patrol shall inform other states of the requirements of this section.

6.] No individual shall be detained or stopped strictly for the purpose of checking whether the individual

possesses a boating safety identification card or a temporary boater education permit.

[7. Beginning January 1, 2006,] **6.** Any nonresident born after January 1, 1984, desiring to operate a rental vessel on the lakes of this state[,] may obtain a temporary boater education permit by completing and passing a written examination developed by the Missouri state water patrol, provided the person meets the minimum age requirements for operating a vessel in this state. The Missouri state water patrol is authorized to promulgate rules for developing the examination and any requirements necessary for issuance of the temporary boater education permit. The temporary boater education permit shall expire when the nonresident obtains a permanent identification card pursuant to subsection 2 of this section or thirty days after issuance, whichever occurs first. The Missouri state water patrol may charge a fee not to exceed ten dollars for such temporary permit. Upon successful completion of an examination and prior to renting a vessel, the business entity responsible for giving the examination shall collect such fee and forward all collected fees to the Missouri state water patrol on a monthly basis for deposit in the state general revenue fund. Such business entity shall incur no additional liability in accepting the responsibility for administering the examination. [This subsection shall terminate on December 31, 2010.]

**306.532. Beginning January 1, 2011, the certificate of title for a new outboard motor shall designate the year the outboard motor was manufactured as the “Year Manufactured” and shall further designate the year the dealer received the new outboard motor from the manufacturer as the “Model Year-NEW”.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 1, Section A, Line 8, by inserting after all of said line the following:

“32.056. The department of revenue shall not release the home address or any other information contained in the department’s motor vehicle or driver registration records regarding any person, **and the immediate family members of any such person**, who is a county, state or federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to section [590.100, RSMo, or a member of the parole officer’s, pretrial officer’s or peace officer’s immediate family] **590.010, or those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary**, based on a specific request for such information from any person. Any person [who is a county, state or federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to section 590.100, RSMo,] **with a current status covered by this section** may notify the department of such status and the department shall protect the confidentiality of the records on such a person and his or her immediate family as required by this section. This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 or from releasing information on any officer who holds a class A, B or C commercial driver’s license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.”; and

Further amend said bill, Page 11, Section 302.020, Line 33, by inserting after all of said section and line the following:

“302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial



point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points

(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving in violation [of subsection 4] of section [304.016, RSMo]**304.012, RSMo** 4 points

In violation of a county or municipal ordinance 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction 2 points

(b) For the second conviction 4 points

(c) For the third conviction 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points

(7) Obtaining a license by misrepresentation 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight

In violation of state law 8 points

In violation of a county or municipal ordinance or federal law or regulation 8 points

(11) Any felony involving the use of a motor vehicle 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo 4 points

(14) Endangerment of a highway worker in violation of section 304.585, RSMo 4 points

(15) Aggravated endangerment of a highway worker in violation of section 304.585, RSMo 12 points

(16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385, RSMo, may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Section 67.402, Page 4, Line 71 by inserting after all of said section the following:

“67.1360. 1. The governing body of **the following cities and counties may impose a tax as provided in this section:**

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
- (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;
- (10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;
- (11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;
- (14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants; [or]

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

**(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants.**

**2. The governing body of any city or county listed in subsection 1 of this section** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 8, Section 195.505, Line 20, by inserting after said line the following:

“196.165. [Any hotel, inn, delicatessen, grocery or butcher shop, or restaurant keeper, or any individual, firm or corporation, carrying on and conducting a boardinghouse, eating house, lunchroom business, or engaged in the catering business (all hereinafter referred to as “person”), who shall with intent to defraud,

sell, prepare or expose for sale, any meat or meat preparation, articles of food or food products, either raw or prepared for human consumption, whether the same is to be consumed on the premises where prepared and sold, or whether same is taken or carried elsewhere for consumption, falsely represents such food or food preparation to be kosher, that is, that same is prepared under and of products sanctioned by the orthodox Hebrew religious rules and requirements; or who shall falsely represent that such meat or meat preparation, food or food product is, or will be prepared and served in accordance with such orthodox Hebrew religious rules and requirements, by displaying a sign or signs, in, on, or about said person's place of business or establishment, or by advertisement in any newspaper, magazine, or periodical, or by publication in any other manner whatsoever, the intent and purpose whereof shall be to represent to the public by such advertisement, or any other manner whatsoever, that kosher meat or meat preparations, or food or food products are prepared and sold in such place of business or establishment, or served therein, or prepared or sold to be taken for consumption elsewhere than on said premises; or who prepares, sells, serves, or prepares for sale, either to be consumed on the premises, or elsewhere, both kosher and nonkosher meat or meat preparations, or food or food products in the same place of business, who fails to keep separate kitchens and dining rooms, wherein meat or meat preparations, or food or food products are prepared and served; or who fails to keep and use separate and distinctly labeled or marked dishes and utensils wherein such meat or meat preparation of food or food product is prepared and served; or who shall fail to indicate on all signs and display advertising, in, on, or about said person's premises, in block letters, at least four inches in height, "kosher and nonkosher food prepared and sold here", as the case may be, or persons dealing in kosher meat or meat preparations, kosher food or food products only and persons dealing in both kosher and nonkosher meat or meat preparations, kosher and nonkosher food or food products who fail to adhere to and abide by orthodox Hebrew religious rules and requirements, shall be guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or by imprisonment of not less than thirty days nor more than one year, or both. Possession of nonkosher meat or meat preparation, or food or food product in any place of business advertising the sale of kosher meat and food only, is prima facie evidence that the person in possession exposes the same for sale with intent to defraud in violation of the provisions of this section.] **1. Except as provided in subsections 2 and 3 of this section, all food and food products which are sold or offered for sale as "kosher" or "kosher for Passover" and which are packaged in a sealed container shall have a label or symbol affixed thereto by the manufacturer, packer, or certifier of such food or food products representing the person, agency, or entity that certified such product as kosher or kosher for Passover. No person or entity other than such manufacturer, packer, or certifier shall affix such labels or symbols.**

**2. All food or food products which are sold or offered for sale as kosher or kosher for Passover and which are not packaged in a sealed container, or are packaged in a sealed container and do not meet the requirements of subsection 1 of this section shall not be sold or offered for sale unless the seller displays a sign which is clearly readable from where the kosher product is being offered for sale and which includes all of the following:**

- (1) A description of each food item which is kosher or kosher for Passover;**
- (2) The identity of the person, agency, or entity that has certified each food item as kosher or kosher for Passover;**
- (3) Certification that all equipment used in the preparation, storing, and serving of each food or food product is kosher or kosher for Passover;**

**(4) The time period during which the kosher certification is in effect, which shall not exceed twelve months; and**

**(5) The designation of “dairy” or “D” for any product containing dairy ingredients.**

**3. Any person who sells or offers for sale in the same place of business both kosher certified and nonkosher certified poultry, meat, or meat preparations, either raw or prepared for human consumption, shall display signage clearly readable from where such products are being sold or offered for sale disclosing that both kosher and nonkosher meat or poultry are being sold, and clearly identifying which products are certified as kosher. This subsection shall not apply to the sale of poultry, poultry products, meats, or meat products sold solely in separate consumer packages which have been prepackaged and have a kosher certification label or symbol affixed as provided in subsection 1 of this section.**

**4. Any person who violates subsection 1, 2, or 3 of this section is guilty of a class B misdemeanor.**

**5. The presence of any poultry, poultry products, meats, meat products, or any prepared food that is not certified as kosher under subsection 1 or 2 of this section at an establishment which represents that it sells only food that is kosher is prima facie evidence that the person or establishment in possession of such food has offered such food for sale with intent to defraud in violation of this section.**

**6. Any person subject to the requirements of subsections 2 and 3 of this section shall not be deemed to have committed an unlawful practice if it can be shown by a preponderance of the evidence that the person justifiably relied in good faith upon the representations of a slaughterhouse, manufacturer, processor, packer, or distributor of any food represented to be kosher or kosher for Passover. Nothing in this subsection shall be construed as altering any person’s recourses for unlawful conduct under Missouri law, nor shall any portion of this section be construed as limiting the legal rights of any person injured by the conduct of any slaughterhouse, manufacturer, processor, packer, or distributor.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 13, Section 303.025, Line 40, by inserting after all of said line the following:

“304.705. 1. In any county with a population of more than one hundred eighty thousand inhabitants that adjoins a county with a charter form of government with a population of more than nine hundred thousand inhabitants, all trucks registered for a gross weight of more than twenty-four thousand pounds, as of January 1, 2008, shall not be driven in the far left lane upon an interstate highway having at least three lanes proceeding in the same direction, within three miles of where an interstate highway and a three-digit numbered Missouri route intersects with an average daily traffic count on the interstate highway of at least one hundred thirty thousand vehicles at such point. The Missouri department of transportation shall design, manufacture, and install any informational and directional signs at the appropriate locations. Such restriction shall not apply when:

(1) It is reasonably necessary for the operation of the truck to respond to emergency conditions; or

(2) The right or a center lane of a roadway is closed to traffic while under construction, maintenance, or repair.

2. As used in this section, “truck” means any vehicle, machine, tractor trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways.

3. A violation of this section is [an infraction] **a class C misdemeanor** unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class [C] **B misdemeanor**, or unless an accident results from such violation, in which case such violation is a class A misdemeanor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Section 209.200, Page 8, Line 20, by inserting after all of said section and line the following:

“210.950. 1. This section shall be known and may be cited as the “Safe Place for Newborns Act of 2002”. The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

2. As used in this section, the following terms mean:

(1) “Hospital”, as defined in section 197.020, RSMo;

(2) “Nonrelinquishing parent”, the biological parent who does not leave a newborn infant with any person listed in subsection 3 of this section in accordance with this section;

(3) “Relinquishing parent”, the biological parent or person acting on such parent’s behalf who leaves a newborn infant with any person listed in subsection 3 of this section in accordance with this section.

3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or 568.050, RSMo, for actions related to the voluntary relinquishment of a child up to [five] **thirty** days old pursuant to this section [and it shall be an affirmative defense to prosecution for a violation of sections 568.030, 568.032, 568.045 and 568.050, RSMo, that a parent who is a defendant voluntarily relinquished a child no more than one year old pursuant to this section] if:

(1) Expressing intent not to return for the child, the parent voluntarily delivered the child safely to the physical custody of any of the following persons:

(a) An employee, agent, or member of the staff of any hospital, in a health care provider position or on duty in a nonmedical paid or volunteer position;

(b) A firefighter or emergency medical technician on duty in a paid position or on duty in a volunteer position; or

(c) A law enforcement officer;

(2) The child was no more than [one year] **thirty days** old when delivered by the parent to any person listed in subdivision (1) of this subsection; and

(3) The child has not been abused or neglected by the parent prior to such voluntary delivery.

4. **A parent voluntarily relinquishing a child under this section shall not be required to provide any identifying information about the child or the parent. No person shall induce or coerce, or attempt to induce or coerce, a parent into revealing his or her identity. No officer, employee, or agent**



of this state or any political subdivision of this state shall attempt to locate or determine the identity of such parent. In addition, any person who obtains information on the relinquishing parent shall not disclose such information except to the following:

- (1) A birth parent who has waived anonymity or the child's adoptive parent;
- (2) The staff of the department of health and senior services, the department of social services, or any county health or social services agency or licensed child welfare agency that provides services to the child;
- (3) Persons performing juvenile court intake or dispositional services;
- (4) The attending physician;
- (5) The child's foster parent or any other person who has physical custody of the child;
- (6) A juvenile court or other court of competent jurisdiction conducting proceedings relating to the child;
- (7) The attorney representing the interests of the public in proceedings relating to the child; and
- (8) The attorney representing the interests of the child.

5. A person listed in subdivision (1) of subsection 3 of this section shall, without a court order, take physical custody of a child the person reasonably believes to be no more than [one year] **thirty days** old and is delivered in accordance with this section by a person purporting to be the child's parent. If delivery of a newborn is made pursuant to this section in any place other than a hospital, the person taking physical custody of the child shall arrange for the immediate transportation of the child to the nearest hospital licensed pursuant to chapter 197, RSMo.

[5.] 6. The hospital, its employees, agents and medical staff shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health or safety of the child. The hospital shall notify the division of family services and the local juvenile officer upon receipt of a child pursuant to this section. The local juvenile officer shall immediately begin protective custody proceedings and request the child be made a ward of the court during the child's stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a protective custody order ordering custody of the child to the division, the **children's** division [of family services] shall take physical custody of the child. The parent's voluntary delivery of the child in accordance with this section shall constitute the parent's implied consent to any such act and a voluntary relinquishment of such parent's parental rights.

[6.] 7. In any termination of parental rights proceeding initiated after the relinquishment of a child pursuant to this section, the juvenile officer shall make public notice that a child has been relinquished, including the sex of the child, and the date and location of such relinquishment. Within thirty days of such public notice, the [nonrelinquishing] parent wishing to establish parental rights shall identify himself or herself to the court and state his or her intentions regarding the child. The court shall initiate proceedings to establish paternity, or if no person identifies himself as the father within thirty days, maternity. The juvenile officer shall make examination of the putative father registry established in section 192.016, RSMo, to determine whether attempts have previously been made to preserve parental rights to the child. If such attempts have been made, the juvenile officer shall make reasonable efforts to provide notice of the abandonment of the child to such putative father.

[7.] 8. (1) If a relinquishing parent of a child relinquishes custody of the child to any person listed in

subsection 3 of this section in accordance with this section and to preserve the parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary to establish parentage within thirty days after the public notice or specific notice provided in subsection [6] 7 of this section.

(2) If [a nonrelinquishing] **either** parent fails to take steps to establish parentage within the thirty-day period specified in subdivision (1) of this subsection, [the nonrelinquishing] **either** parent may have all of his or her rights terminated with respect to the child.

(3) When [a nonrelinquishing] **either** parent inquires at a hospital regarding a child whose custody was relinquished pursuant to this section, such facility shall refer [the nonrelinquishing] **either** parent to the **children's** division [of family services] and the juvenile court exercising jurisdiction over the child.

[8.] **9.** The persons listed in subdivision (1) of subsection 3 of this section shall be immune from civil, criminal, and administrative liability for accepting physical custody of a child pursuant to this section if such persons accept custody in good faith. Such immunity shall not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of such child.

[9.] **10.** The **children's** division [of family services] shall:

(1) Provide information and answer questions about the process established by this section on the statewide, toll-free telephone number maintained pursuant to section 210.145;

(2) Provide information to the public by way of pamphlets, brochures, or by other ways to deliver information about the process established by this section.

[10.] **11.** Nothing in this section shall be construed as conflicting with section 210.125.”; and

Further amend said Bill, Section 211.031, Page 10, Line 90, by inserting after all of said section and line the following:

“211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an “infant” means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

**(c) The parent has voluntarily relinquished a child under section 210.950; or**

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there

is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566, RSMo, when the child or any child in the family was a victim, or a violation of section 568.020, RSMo, when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape. When the biological father has pled guilty to, or is convicted of, the forcible rape of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to, abuses as defined in section 455.010, RSMo,

child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, RSMo, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 15, Section 479.260, Line 55, by inserting after all of said section and line the following:

“488.2205. 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within the thirtieth judicial circuit in all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the county where the violation occurred.

2. Each county shall use all funds received pursuant to this section only to pay for the costs associated with the construction, maintenance and operation of the county judicial facility and the circuit juvenile detention center including, but not limited to, utilities, maintenance and building security. The county shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county judicial facility shall be transmitted quarterly to the general revenue fund of the county.

3. This section shall expire and be of no force and effect on and after January 1, [2010] **2020.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 13, Section 303.025, Line 40, by inserting after all of said line the following:

**“339.1100. Sections 339.1100 to 339.1240 shall be known and may be cited as the “Missouri Appraisal Management Company Registration and Regulation Act”.**

**339.1105. As used in sections 339.1100 to 339.1240, unless the context otherwise requires, the following terms shall mean:**

**(1) “Appraisal” or “real estate appraisal”, an objective analysis, evaluation, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis;**

**(2) “Appraisal management company”, an individual or business entity that utilizes an appraisal panel and performs, directly or indirectly, appraisal management services;**

**(3) “Appraisal management services”, to directly or indirectly perform any of the following functions on behalf of a lender, financial institution, client, or any other person:**

**(a) Administer an appraiser panel;**

**(b) Recruit, qualify, verify licensing or certification, and negotiate fees and service level expectations with persons who are part of an appraiser panel;**

**(c) Receive an order for an appraisal from one person and deliver the order for the appraisal to an appraiser that is part of an appraiser panel for completion;**

**(d) Track and determine the status of orders for appraisals;**

(e) Conduct quality control of a completed appraisal prior to the delivery of the appraisal to the person that ordered the appraisal; and

(f) Provide a completed appraisal performed by an appraiser to one or more persons who have ordered an appraisal;

(4) “Appraisal review”, the act or process of developing and communicating an opinion about the quality of another appraiser’s work that was performed as part of an appraisal assignment, except that an examination of an appraisal for grammatical, typographical, or other similar errors shall not be an appraisal review;

(5) “Appraiser”, an individual who holds a license as a state licensed real estate appraiser or certification as a state certified real estate appraiser under this chapter;

(6) “Appraiser panel”, a network of licensed or certified appraisers that have:

(a) Responded to an invitation, request, or solicitation from an appraisal management company, in any form, to perform appraisals for persons that have ordered appraisals through the appraisal management company or to perform appraisals for the appraisal management company directly; and

(b) Been selected and approved by an appraisal management company to perform appraisals for any client of the appraisal management company that has ordered an appraisal through the appraisal management company or to perform appraisals for the appraisal management company directly;

(7) “Commission”, the Missouri real estate appraisers commission created in section 339.507;

(8) “Controlling person”:

(a) An owner, officer or director of a corporation, partnership, or other business entity seeking to offer appraisal management services in this state;

(b) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals; or

(c) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company;

(9) “State certified real estate appraiser”, a person who develops and communicates real estate appraisals and who holds a current valid certificate issued to the person for either general or residential real estate under this chapter;

(10) “State licensed real estate appraiser”, a person who holds a current valid real estate appraiser license issued under this chapter.

**339.1110. 1.** No person shall directly or indirectly engage or attempt to engage in business as an appraisal management company, to directly or indirectly engage or attempt to perform appraisal management services, or to advertise or hold itself out as engaging in or conducting business as an appraisal management company without first obtaining a registration issued by the commission under sections 339.1100 to 339.1240.

**2.** The registration required by subsection 1 of this section shall, at a minimum, include the

**following:**

- (1) Name of the entity seeking registration;**
- (2) Business address of the entity seeking registration which shall be located and maintained within this state;**
- (3) Phone contact information of the entity seeking registration;**
- (4) If the entity is not a corporation that is domiciled in this state, the name and contact information for the company's agent for service of process in this state;**
- (5) The name, address, and contact information for any individual or any corporation, partnership, or other business entity that owns ten percent or more of the appraisal management company;**
- (6) The name, address, and contact information for a designated controlling person to be the primary communication source for the commission;**
- (7) A certification that the entity has a system and process in place to verify that a person being added to the appraiser panel of the appraisal management company for appraisal services to be performed in Missouri holds a license in good standing in Missouri, if a license or certification is required to perform appraisals under section 339.1180;**
- (8) A certification that the entity has a system in place to review the work of all appraisers who are performing real estate appraisal services for the appraisal management company on a periodic basis to validate that the real estate appraisal services are being conducted in accordance with Uniform Standards of Professional Appraisal Practice (USPAP) under section 339.1185;**
- (9) A certification that the entity maintains a detailed record of each service request that it receives for appraisal services within the state of Missouri and the appraiser who performs the real estate appraisal services for the appraisal management company under section 339.1190;**
- (10) An irrevocable Uniform Consent to Service of Process under section 339.1130; and**
- (11) Any other reasonable information required by the commission to complete the registration process.**

**339.1115. Sections 339.1100 to 339.1240 shall not apply to:**

- (1) A person who exclusively employs appraisers on an employer and employee basis for the performance of appraisals;**
- (2) A national or state bank, federal or state savings institution, or credit union that is subject to direct regulation or supervision by an agency of the United States government, or by the department of insurance, financial institutions or professional registration, that receives a request for the performance of an appraisal from one employee of the financial institution, and another employee of the same financial institution assigns the request for the appraisal to an appraiser who is an independent contractor to the institution. An entity exempt as provided in this subdivision shall file a notice with the commission the information required in section 339.1110;**
- (3) An appraiser that enters into an agreement, whether written or otherwise, with an appraiser for the performance of an appraisal, and upon the completion of the appraisal, the report of the**



appraiser performing the appraisal is signed by both the appraiser who completed the appraisal and the appraiser who requested the completion of the appraisal;

(4) A state agency or local municipality that orders appraisals for ad valorem tax purposes or any other business on behalf of the state of Missouri;

(5) Any person licensed to practice law in this state, a court-appointed personal representative, or a trustee who orders an appraisal in connection with a bona fide client relationship when such person directly contracts with an independent appraiser.

**339.1120.** An applicant for a registration as an appraisal management company shall submit to the commission an application containing the information required in subsection 2 of section 339.1110 on a form prescribed by the commission.

**339.1125.** Registration shall be valid for two years from its issuance.

**339.1130.** Each entity applying for a registration as an appraisal management company in Missouri shall complete an irrevocable Uniform Consent to Service of Process, as prescribed by the commission.

**339.1135. 1.** The commission shall establish by rule the fee to be paid by each appraisal management company seeking registration under sections 339.1100 to 339.1240, such that the sum of the fees paid by all appraisal management companies seeking registration under this section shall be sufficient for the administration of sections 339.1100 to 339.1240. The commission shall charge and collect fees to be utilized to fund activities that may be necessary to carry out the provisions of this chapter.

**2.** Each applicant for registration shall post with the commission and maintain on renewal a surety bond in the amount of twenty thousand dollars. The details of the bond shall be prescribed by rule of the commission, however, the bond shall not be used to assist appraisers in collection efforts of credit extended by the appraiser.

**3.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 339.1100 to 339.1240 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 339.1100 to 339.1240 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

**339.1140. 1.** An appraisal management company applying for a registration in Missouri shall not be more than ten percent owned by:

(1) A person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state;

(2) An entity that is more than ten percent owned by any person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state.

**2.** Each person who owns more than ten percent of an appraisal management company in this state shall:

**(1) Be of good moral character, as determined by the commission; and**

**(2) Submit to a background investigation, as determined by the commission.**

**3. Each appraisal management company applying for registration shall certify to the commission that it has reviewed each entity that owns more than ten percent of the appraisal management company and that no entity that owns more than ten percent of the appraisal management company is more than ten percent owned by any person who has had a license or certificate to act as an appraiser refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation.**

**4. Each appraisal management company shall notify the commission within thirty days of a change in its controlling principal, agent of record, or ownership composition.**

**339.1145. 1. Each appraisal management company applying to the commission for a registration in this state shall designate one compliance manager who will be the main contact for all communication between the commission and the appraisal management company.**

**2. The designated controlling person under subsection 1 of this section shall:**

**(1) Have never had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state;**

**(2) Be of good moral character, as determined by the commission; and**

**(3) Submit to a background investigation, as determined by the commission.**

**339.1150. 1. An appraisal management company that applies to the commission for registration to do business in this state as an appraisal management company under subdivision (1) of section 339.1115 shall not:**

**(1) Employ any person directly involved in appraisal management services who has had a license or certificate to act as an appraiser in Missouri or in any other state refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation;**

**(2) Knowingly enter into any independent contractor arrangement, whether in verbal, written, or other form, with any person who has had a license or certificate to act as an appraiser in Missouri or in any other state refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation;**

**(3) Knowingly enter into any contract, agreement, or other business relationship directly involved with the performance of real estate appraisal or appraisal management services, whether in verbal, written, or any other form, with any entity that employs, has entered into an independent contract arrangement, or has entered into any contract, agreement, or other business relationship, whether in verbal, written, or any other form, with any person who has ever had a license or certificate to act as an appraiser in Missouri or in any other state, refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation.**

**339.1155. Prior to placing an assignment for real estate appraisal services within the state of Missouri with an appraiser on the appraiser panel of an appraisal management company, the appraisal management company shall have a system in place to verify that the appraiser receiving the assignment holds a credential in good standing in the state of Missouri. Letters of engagement shall include instructions to the appraiser to decline the assignment in the event the appraiser is not**

geographically competent or the assignment falls outside the appraiser's scope of practice restrictions.

**339.1160.** Any employee or independent contractor of the appraisal management company who performs an appraisal review shall be an individual who holds a license as a state licensed real estate appraiser or certification as a state certified real estate appraiser under this chapter. Letters of engagement shall include instructions to the appraiser to decline the appraisal review assignment in the event the appraiser is not geographically competent or the assignment falls outside the appraiser's scope of practice restrictions.

**339.1170.** Each appraisal management company seeking to be registered shall certify to the commission on a biannual basis on a form prescribed by the commission that the appraisal management company has a system and process in place to verify that an individual being added to the appraiser panel of the appraisal management company holds a license in good standing in this state under this chapter.

**339.1175.** Each appraisal management company seeking to be registered shall certify to the commission on a biannual basis on a form prescribed by the commission that the appraisal management company has a system in place to verify that an individual to whom the appraisal management company is making an assignment for the completion of an appraisal has not had a license or certification as an appraiser refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation on a regular basis.

**339.1180.** Each registered appraisal management company shall certify to the commission on a biannual basis that it has a system in place to perform an appraisal review on a periodic basis of the work of all appraisers who are performing appraisals for the appraisal management company to validate that the appraisals are being conducted in accordance with Uniform Standards of Professional Appraisal Practice (USPAP). An appraisal management company shall report to the commission the results of any appraisal reviews in which an appraisal is found to be substantially noncompliant with USPAP or state or federal laws pertaining to appraisals.

**339.1185. 1.** Each appraisal management company seeking to be registered shall certify to the commission biannually that it maintains a detailed record of each service request for appraisal services within the state of Missouri and that it receives of each appraiser who performs an appraisal for the appraisal management company in the state of Missouri.

**2.** All appraisal management company records shall be retained for five years.

**339.1190. 1.** An appraisal management company shall not prohibit its appraiser who is part of an appraiser panel from recording the fee that the appraiser was paid by the appraisal management company for the performance of the appraisal within the appraisal report that is submitted by the appraiser to the appraisal management company.

**2.** An appraisal management company shall separately state to the client the fees paid to an appraiser for appraisal services and the fees charged by the appraisal management company for services associated with the management of the appraisal process, including procurement of the appraiser's services.

**339.1200. 1.** No employee, director, officer, or agent of an appraisal management company shall influence or attempt to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, bribery or in any

**other manner, including but not limited to:**

**(1) Withholding or threatening to withhold timely payment for an appraisal, except in cases of substandard performance or noncompliance with conditions of engagement;**

**(2) Withholding or threatening to withhold future business, or demoting, terminating, or threatening to demote or terminate an appraiser;**

**(3) Expressly or impliedly promising future business, promotions, or increased compensation for an appraiser;**

**(4) Conditioning the request for an appraisal or the payment of an appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary estimate or opinion requested from an appraiser;**

**(5) Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal report, or provide estimated values or comparable sales at any time prior to the appraiser's completion of an appraisal;**

**(6) Providing to an appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided;**

**(7) Providing to an appraiser, or any entity or person related to the appraiser, stock or other financial or nonfinancial benefits;**

**(8) Allowing the removal of an appraiser from an appraiser panel without prior written notice to such appraiser;**

**(9) Any other act or practice that knowingly impairs or attempts to impair an appraiser's independence, objectivity, or impartiality;**

**(10) Requiring an appraiser to collect an appraisal fee on behalf of the appraisal management company from the borrower, homeowner, or other third party; or**

**(11) Requiring an appraiser to indemnify an appraisal management company or hold an appraisal management company harmless for any liability, damage, losses, or claims arising out of the services performed by the appraisal management company, and not the services performed by the appraiser.**

**2. Nothing in subsection 1 of this section shall prohibit the appraisal management company from requesting that an appraiser:**

**(1) Provide additional information about the basis for a valuation; or**

**(2) Correct objective factual errors in an appraisal report; or**

**(3) Provide additional information with the appraisal regarding additional sales provided through an established dispute process.**

**339.1205. An appraisal management company shall not:**

**(1) Require an appraiser to modify any aspect of an appraisal report unless the modification complies with section 339.1200;**

**(2) Require an appraiser to prepare an appraisal report if the appraiser, in the appraiser's own**

professional judgment, believes the appraiser does not have the necessary expertise for the assignment or for the specific geographic area, and has notified the appraisal management company and declined the assignment;

(3) Require an appraiser to prepare an appraisal under a time frame that the appraiser, in the appraiser's own professional judgment, believes does not afford the appraiser the ability to meet all the relevant legal and professional obligations, and has notified the appraisal management company and declined the assignment;

(4) Prohibit or inhibit legal or other allowable communication between the appraiser and:

(a) The lender;

(b) A real estate licensee; or

(c) Any other person from whom the appraiser, in the appraiser's own professional judgment, believes information would be relevant;

(5) Knowingly require the appraiser to do anything that does not comply with:

(a) Uniformed Standards of Professional Appraisal Practice (USPAP);

(b) The Missouri certified and licensed real estate appraisers act established under this chapter;  
or

(c) Any assignment conditions and certifications required by the client;

(6) Make any portion of the appraiser's fee or the appraisal management company's fee contingent on a predetermined or favorable outcome, including but not limited to:

(a) A loan closing; or

(b) Specific dollar amount being achieved by the appraiser in the appraisal report.

**339.1210.** Each appraisal management company shall, except in cases of breach of contract or substandard performance of services, make payment to an appraiser for the completion of an appraisal or valuation assignment within thirty days, unless a mutually agreed upon alternate payment schedule exists, from when the appraiser transmits or otherwise provides the completed appraisal or valuation study to the appraisal management company or its assignee.

**339.1215. 1.** An appraisal management company shall not alter, modify, or otherwise change a completed appraisal report submitted by an appraiser by:

(1) Permanently removing the appraiser's signature or seal; or

(2) Adding information to, or removing information from, the appraisal report with an intent to change the valuation conclusion.

**2.** No registered appraisal management company shall require an appraiser to provide the appraisal management company with the appraiser's digital signature or seal.

**339.1220. 1.** The commission shall issue a unique registration number to each appraisal management company.

**2.** The commission shall publish a list of the appraisal management companies that have registered under sections 339.1100 to 339.1240 and have been issued a registration number.

**3. An appraisal management company shall be required to disclose the registration number on each engagement letter utilized in assigning an appraisal request for real estate appraisal assignments within the state of Missouri.**

**339.1230. 1. Except within the first thirty days after an appraiser is first added to the appraiser panel of an appraisal management company, an appraisal management company shall not remove an appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to an appraiser without:**

**(1) Notifying the appraiser in writing of the reasons why the appraiser is being removed from the appraiser panel of the appraisal management company;**

**(2) If the appraiser is being removed from the panel for illegal conduct, violation of the Uniform Standards of Professional Appraisal Practice (USPAP), or a violation of state licensing standards, describing the nature of the alleged conduct or violation; and**

**(3) Providing an opportunity for the appraiser to respond to the notification of the appraisal management company.**

**2. An appraiser who is removed from the appraiser panel of an appraisal management company for alleged illegal conduct, violation of the Uniform Standards of Professional Appraisal Practice (USPAP), or violation of state licensing standards may file a complaint with the commission for a review of the decision of the appraisal management company; except that, in no case shall the commission make any determination regarding the nature of the business relationship between the appraiser and the appraisal management company which is unrelated to the actions specified in subsection 1 of this section.**

**3. If after notice and an opportunity for hearing and review, the commission determines that an appraiser did not commit a violation of law, a violation of the Uniform Standards of Professional Appraisal Practice (USPAP), or a violation of state licensing standards, the commission shall order that such appraiser be added to the appraiser panel of the appraisal management company.**

**4. If the commission has found that the appraisal management company acted improperly in removing the appraiser from the appraiser panel, an appraisal management company shall not refuse to make assignments for real estate appraisal services to an appraiser, or reduce the number of assignments, or otherwise penalize the appraiser.**

**339.1235. 1. The commission may censure an appraisal management company, conditionally or unconditionally suspend or revoke any registration issued under sections 339.1100 to 339.1240, or impose civil penalties not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation constitutes a separate offense, with a maximum penalty of twenty-five thousand dollars. In determining the amount of penalty to be imposed, the commission may consider if an appraisal management company is:**

**(1) Knowingly committing any act in violation of sections 339.1100 to 339.1240;**

**(2) Violating any rule adopted by the commission; or**

**(3) Procuring a license by fraud, misrepresentation, or deceit.**

**339.1240. The conduct of adjudicatory proceedings for violations of this section is vested in the commission, provided:**

**(1) Before censuring any registrant, or suspending or revoking any registration, the commission shall notify the registrant in writing of any charges made at least twenty days before the hearing and shall afford the registrant an opportunity to be heard in person or by counsel; and**

**(2) Written notice shall be satisfied by personal service on the controlling person of the registrant, or the registrant's agent for service of process in this state, or by sending the notice by certified mail, return receipt requested to the controlling person of the registrant to the registrant's address on file with the commission.”; and**

Further amend said bill, Page 39, Section B, Line 10, by inserting after all of said line the following:

“Section C. Sections 339.1100, 339.1105, 339.1110, 339.1115, 339.1120, 339.1125, 339.1130, 339.1135, 339.1140, 339.1145, 339.1150, 339.1155, 339.1160, 339.1170, 339.1175, 339.1180, 339.1185, 339.1190, 339.1200, 339.1205, 339.1210, 339.1215, 339.1220, 339.1230, 339.1235, and 339.1240 of section A of this act shall become effective on January 1, 2011.

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 1, Section A, Line 8, by inserting after all of said line the following:

“66.010. 1. Any county framing and adopting a charter for its own government under the provisions of section 18, article VI of the constitution of this state, may prosecute and punish violations of its county ordinances in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court. In addition, the county may prosecute and punish municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's ordinances and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the city. Costs and procedures in any such county municipal court shall be governed by the provisions of law relating to municipal ordinance violations in municipal divisions of circuit courts.

2. In any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county executive of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by ordinance of the county.

3. The number of divisions of such county municipal court and its term shall be established by ordinance of the county.

4. Except in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the county shall provide for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside the county seat. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the county may provide for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside the county seat.

5. Judges of the county municipal court shall be licensed to practice law in this state and shall be

residents of the county in which they serve. Municipal court judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a municipal court judge and **full-time municipal judges** shall not be a judge or prosecutor for any other court.

**6. Whenever any judge of the county municipal court shall become temporarily ill or otherwise unavailable, any county municipal court judge may appoint an acting county municipal court judge to take his or her place on a temporary basis. The acting county municipal court judge appointed shall be a person who already serves as a municipal court judge within the same judicial circuit. The provisions of subsection 5 of this section shall not apply to acting county municipal court judges.**

7. In establishing the county municipal court, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

[7.] **8.** In a county municipal court established pursuant to this section, the county may provide by ordinance for court costs not to exceed the sum which may be provided by municipalities for municipal violations before municipal courts. The county municipal judge may assess costs against a defendant who pleads guilty or is found guilty except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. The costs authorized in this subsection are in addition to service costs, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such costs shall be collected by the authorized clerk and deposited into the county treasury.

[8.] **9.** Provisions shall be made for recording of proceedings, except that if such proceedings are not recorded, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, RSMo, except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such cases. In the event that such proceedings are recorded, all final decisions of the county municipal court shall be appealable on such record to the appellate court with appropriate jurisdiction.

[9.] **10.** Any person charged with the violation of a county ordinance in a county which has established a county municipal court under the provisions of this section shall, upon request, be entitled to a trial by jury before a county municipal court judge. Any jury trial shall be heard with a record being made.

[10.] **11.** In the event that a court is established pursuant to this section, the circuit judges of the judicial circuit with jurisdiction within that county may authorize the judges of the county municipal court to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles as provided by local rule.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 37, Section 621.275, Line 21, by inserting after all of said line the following:

**“650.130. 1. This section shall be known and may be cited as “The Kelsey Smith Act”.**



**2. Upon request of a law enforcement agency, a wireless telecommunications carrier shall provide call location information concerning the telecommunications device of the user to the requesting law enforcement agency in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm.**

**3. Notwithstanding any other provision of law, nothing in this section prohibits a wireless telecommunications carrier from establishing protocols by which the carrier could voluntarily disclose call location information.**

**4. No cause of action shall lie in any court against any wireless telecommunications carrier, its officers, employees, agents or other specified persons for providing call location information while acting in good faith and in accordance with the provisions of this section.**

**5. All wireless telecommunications carriers registered to do business in the state of Missouri or submitting to the jurisdiction thereof and all resellers of wireless telecommunications services shall submit their emergency contact information to the department of public safety in order to facilitate requests from a law enforcement agency for call location information in accordance with this section. This contact information shall be submitted annually by June fifteenth or immediately upon any change in contact information.**

**6. The department of public safety shall maintain a database containing emergency contact information for all wireless telecommunications carriers registered to do business in the state of Missouri and shall make the information immediately available upon request to all public safety answer points in the state.**

**7. The director of the department of public safety shall promulgate any rules and regulations necessary to fulfill the requirements of this section no later than July 1, 2011.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 829, Page 6, Section 71.285, Line 80, by inserting after all of said line the following:

“195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. **The supply limitations provided in this subsection shall not apply if the prescription is dispensed directly to a member of the United**

**States armed forces serving outside the United States.**

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.”; and

Further amend said bill, Page 13, Section 303.025, Line 40 by inserting after all of said line the following:

“338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable book, file, or electronic record keeping **system** in which shall be preserved, for a period of not less than five years, the original or order of each drug which has been compounded or dispensed at such pharmacy, according to and in compliance with standards provided by the board, and shall produce the same in court or before any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription file on readable microfilm for records maintained over three years. After September, 1999, a licensed pharmacy may preserve prescription files on microfilm or by electronic media storage for records maintained over three years. The pharmacist in charge shall be responsible for complying with the permit holder’s record-keeping system in compliance with this section. Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential and shall only be released according to standards provided by the board. Upon request, the pharmacist in charge of such pharmacy shall furnish to the prescribe, and may furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy of the original prescription. The file of original prescriptions **in whatever format kept in compliance with this section**, and other confidential records, as defined by law, shall at all times be open for inspection by board of pharmacy representatives. **Records maintained in an electronic record keeping system shall contain all information otherwise required in a manual record keeping system. Electronic records shall be readily retrievable. Pharmacies may electronically maintain the original prescription or prescription order for each drug and may electronically annotate any change or alteration to a prescription record in the electronic record keeping system as authorized by law, provided however, original written and faxed prescriptions must be physically maintained on file at the pharmacy pursuant to state and federal controlled substance laws.**

2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services of the institution. Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100, RSMo.

3. **“Electronic record keeping system”, as used in this section shall mean a system, including machines, methods or organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized images of original prescriptions.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 834**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 616**.

With House Amendment Nos. 1, 2, 3 and 4.

#### HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 616, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. **The supply limitations provided in this subsection shall not apply if the prescription is dispensed directly to a member of the United States armed forces serving outside the United States.**

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable **book, file, or electronic record keeping system** in which shall be preserved, for a period of not less than five years, the original or order of each drug which has been compounded or dispensed at such pharmacy, according to and in compliance with standards provided by the board, and shall produce the same in court or before any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription file on readable microfilm for records maintained over three years. After September, 1999, a licensed pharmacy may preserve prescription files on microfilm or by electronic media storage for records maintained over three years. The pharmacist in charge shall be responsible for complying with the permit holder's record-keeping system in compliance with this section. Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential and shall only be released according to standards provided by the board. Upon request, the pharmacist in charge of such pharmacy shall furnish to the prescribe, and may furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy of the original

prescription. The file of original prescriptions **in whatever format kept in compliance with this section**, and other confidential records, as defined by law, shall at all times be open for inspection by board of pharmacy representatives. **Records maintained in an electronic record keeping system shall contain all information otherwise required in a manual record keeping system. Electronic records shall be readily retrievable. Pharmacies may electronically maintain the original prescription or prescription order for each drug and may electronically annotate any change or alteration to a prescription record in the electronic record keeping system as authorized by law, provided however, original written and faxed prescriptions must be physically maintained on file at the pharmacy pursuant to state and federal controlled substance laws.**

2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services of the institution. Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100, RSMo.

**3. “Electronic record keeping system”, as used in this section shall mean a system, including machines, methods or organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized images of original prescriptions.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 616, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner’s qualifications, and method of payment through either:

- (1) Insurance;
- (2) The state Medicaid program;
- (3) Complimentary; or
- (4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision

examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;
- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

7. [Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset act, the provisions of the program authorized under this section are hereby reauthorized and shall automatically sunset on June 30, 2020.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 616, Page 1, Section A, Line 3, by inserting immediately after said line the following:

**“208.198. Subject to appropriations, the department of social services shall establish a rate for reimbursement of physicians and optometrists for services rendered to patients under the MO HealthNet program which provides equal reimbursement for the same or similar services rendered.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 616, Page 1, Section 376.1745, Line 15, by

deleting all of said line and inserting in lieu thereof the following “**volunteers recruited from local associations of professional described under section 538.315, RSMo.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

### **PRIVILEGED MOTIONS**

Senator Schaefer moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 829**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Shields moved that the Senate refuse to concur in **CCR** on **HCS No. 2** for **SB 844** and request the House to grant further conference, which motion prevailed.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 684**, entitled:

An Act to repeal section 453.170, RSMo, and to enact in lieu thereof five new sections relating to adoptions occurring in a foreign country.

With House Amendment Nos. 1 and 2.

### **HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Bill No. 684, Page 1, Section A, Line 3, by inserting after all of said line the following:

“210.950. 1. This section shall be known and may be cited as the “Safe Place for Newborns Act of 2002”. The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

2. As used in this section, the following terms mean:

(1) “Hospital”, as defined in section 197.020, RSMo;

(2) “Nonrelinquishing parent”, the biological parent who does not leave a newborn infant with any person listed in subsection 3 of this section in accordance with this section;

(3) “Relinquishing parent”, the biological parent or person acting on such parent’s behalf who leaves a newborn infant with any person listed in subsection 3 of this section in accordance with this section.

3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or 568.050, RSMo, for actions related to the voluntary relinquishment of a child up to [five] **thirty** days old pursuant to this section [and it shall be an affirmative defense to prosecution for a violation of sections 568.030, 568.032, 568.045 and 568.050, RSMo, that a parent who is a defendant voluntarily relinquished a child no more than one year old pursuant to this section] if:

(1) Expressing intent not to return for the child, the parent voluntarily delivered the child safely to the physical custody of any of the following persons:

(a) An employee, agent, or member of the staff of any hospital, in a health care provider position or on duty in a nonmedical paid or volunteer position;

(b) A firefighter or emergency medical technician on duty in a paid position or on duty in a volunteer position; or

(c) A law enforcement officer;

(2) The child was no more than [one year] **thirty days** old when delivered by the parent to any person listed in subdivision (1) of this subsection; and

(3) The child has not been abused or neglected by the parent prior to such voluntary delivery.

**4. A parent voluntarily relinquishing a child under this section shall not be required to provide any identifying information about the child or the parent. No person shall induce or coerce, or attempt to induce or coerce, a parent into revealing his or her identity. No officer, employee, or agent of this state or any political subdivision of this state shall attempt to locate or determine the identity of such parent. In addition, any person who obtains information on the relinquishing parent shall not disclose such information except to the following:**

**(1) A birth parent who has waived anonymity or the child's adoptive parent;**

**(2) The staff of the department of health and senior services, the department of social services, or any county health or social services agency or licensed child welfare agency that provides services to the child;**

**(3) Persons performing juvenile court intake or dispositional services;**

**(4) The attending physician;**

**(5) The child's foster parent or any other person who has physical custody of the child;**

**(6) A juvenile court or other court of competent jurisdiction conducting proceedings relating to the child;**

**(7) The attorney representing the interests of the public in proceedings relating to the child; and**

**(8) The attorney representing the interests of the child.**

**5.** A person listed in subdivision (1) of subsection 3 of this section shall, without a court order, take physical custody of a child the person reasonably believes to be no more than [one year] **thirty days** old and is delivered in accordance with this section by a person purporting to be the child's parent. If delivery of a newborn is made pursuant to this section in any place other than a hospital, the person taking physical custody of the child shall arrange for the immediate transportation of the child to the nearest hospital licensed pursuant to chapter 197, RSMo.

[5.] **6.** The hospital, its employees, agents and medical staff shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health or safety of the child. The hospital shall notify the division of family services and the local juvenile officer upon receipt of a child pursuant to this section. The local juvenile officer shall immediately begin protective custody proceedings and request the child be made a ward of the court during the child's stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a protective custody order ordering custody of the child to the division, the **children's** division [of family services] shall take physical custody of the child. The parent's voluntary delivery of the child in accordance with this section shall constitute the parent's implied consent to any such act and a voluntary relinquishment of such parent's parental rights.

[6.] **7.** In any termination of parental rights proceeding initiated after the relinquishment of a child pursuant to this section, the juvenile officer shall make public notice that a child has been relinquished, including the sex of the child, and the date and location of such relinquishment. Within thirty days of such public notice, the [nonrelinquishing] parent wishing to establish parental rights shall identify himself or herself to the court and state his or her intentions regarding the child. The court shall initiate proceedings to establish paternity, or if no person identifies himself as the father within thirty days, maternity. The juvenile officer shall make examination of the putative father registry established in section 192.016, RSMo, to determine whether attempts have previously been made to preserve parental rights to the child. If such attempts have been made, the juvenile officer shall make reasonable efforts to provide notice of the abandonment of the child to such putative father.

[7.] **8.** (1) If a relinquishing parent of a child relinquishes custody of the child to any person listed in subsection 3 of this section in accordance with this section and to preserve the parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary to establish parentage within thirty days after the public notice or specific notice provided in subsection [6] **7** of this section.

(2) If [a nonrelinquishing] **either** parent fails to take steps to establish parentage within the thirty-day period specified in subdivision (1) of this subsection, [the nonrelinquishing] **either** parent may have all of his or her rights terminated with respect to the child.

(3) When [a nonrelinquishing] **either** parent inquires at a hospital regarding a child whose custody was relinquished pursuant to this section, such facility shall refer [the nonrelinquishing] **either** parent to the **children's** division [of family services] and the juvenile court exercising jurisdiction over the child.

[8.] **9.** The persons listed in subdivision (1) of subsection 3 of this section shall be immune from civil, criminal, and administrative liability for accepting physical custody of a child pursuant to this section if such persons accept custody in good faith. Such immunity shall not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of such child.

[9.] **10.** The **children's** division [of family services] shall:

(1) Provide information and answer questions about the process established by this section on the statewide, toll-free telephone number maintained pursuant to section 210.145;

(2) Provide information to the public by way of pamphlets, brochures, or by other ways to deliver information about the process established by this section.

[10.] **11.** Nothing in this section shall be construed as conflicting with section 210.125.

211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been



filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an “infant” means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

**(c) The parent has voluntarily relinquished a child under section 210.950; or**

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a “child” means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for

a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566, RSMo, when the child or any child in the family was a victim, or a violation of section 568.020, RSMo, when the child or any child in the family was a victim. As used in this subdivision, a “child” means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape. When the biological father has pled guilty to, or is convicted of, the forcible rape of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father’s parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to, abuses as defined in section 455.010, RSMo, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent’s parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent’s disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve

as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, RSMo, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 684, Page 4, Section 453.256, Line 4, by inserting after all of said line the following:

**“Section 1. No state employee acting in the course of his or her employment shall recommend or otherwise suggest dissolution of marriage to a married individual as a method of qualifying for MO HealthNet.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

#### PRIVILEGED MOTIONS

Senator Goodman moved that the Senate refuse to concur in **HA 1, HA 2, HA 3 and HA 4** to **SCS** for **SB 616** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

#### HOUSE BILLS ON THIRD READING

**HCS** for **HB 2058**, with **SCS**, entitled:

An Act to amend chapter 429, RSMo, by adding thereto one new section relating to mechanic's liens, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Schmitt.

**SCS** for **HCS** for **HB 2058**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2058

An Act to amend chapter 429, RSMo, by adding thereto one new section relating to mechanic's liens, with penalty provisions.

Was taken up.

Senator Schmitt moved that **SCS** for **HCS** for **HB 2058** be adopted.

Senator Schmitt offered **SS** for **SCS** for **HCS** for **HB 2058**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2058

An Act to amend chapter 429, RSMo, by adding thereto one new section relating to mechanic's liens,

with penalty provisions.

Senator Schmitt moved that **SS** for **SCS** for **HCS** for **HB 2058** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SS** for **SCS** for **HCS** for **HB 2058** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, with **SCS**, entitled:

An Act to repeal sections 32.056, 58.370, 66.010, 105.711, 193.087, 193.125, 193.255, 210.145, 210.150, 210.152, 211.031, 288.034, 301.146, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 452.377, 452.340, 452.430, 454.425, 454.475, 454.515, 454.517, 454.548, 454.557, 454.1003, 455.501, 476.083, 525.233, 537.296, 537.528, 542.286, 563.011, 563.031, 571.030, 571.070, 571.101, 571.104, 571.104, and 571.107, RSMo, and to enact in lieu thereof fifty-one new sections relating to the justice system, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Cunningham.

**SCS** for **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NOS. 1692, 1209, 1405, 1499, 1535 and 1811

An Act to repeal sections 32.056, 58.370, 66.010, 105.726, 193.125, 193.255, 210.145, 210.150, 210.152, 211.031, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 452.340, 452.377, 452.430, 454.425, 454.475, 454.515, 454.517, 454.548, 454.557, 454.1003, 455.501, 484.053, 484.350, 494.455, 525.233, 537.296, 542.286, 559.036, and 565.035, RSMo, and to enact in lieu thereof forty-nine new sections relating to the justice system, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Cunningham moved that **SCS** for **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811** be adopted.

Senator Cunningham offered **SS** for **SCS** for **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NOS. 1692, 1209, 1405, 1499, 1535 and 1811

An Act to repeal sections 193.145, 193.265, 208.010, 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550, 288.034, 327.031, 327.041, 327.351, 327.411, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.503, 339.710, 452.430, 511.580, 537.296, 563.011, 563.031, 571.030, 571.070, 571.104, and 571.107, RSMo, and to enact in lieu thereof eighty-eight new sections relating to real estate, with penalty provisions.

Senator Cunningham moved that **SS** for **SCS** for **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811** be adopted.

Photographers from the Missouri Lawyers Media were given permission to take pictures in the Senate Chamber today.

Senator Cunningham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 and 1811, Page 96, Section 339.010, Line 28 of said page, by striking the word “shall” and inserting in lieu thereof the following: “**may**”.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 and 1811, Pages 139-140, Section 511.580, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 3**:

## SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 and 1811, Page 137, Section 339.1240, Line 20, by inserting after all of said line the following:

**“429.016. 1. The provisions of this section shall only apply to mechanic’s liens asserted against residential real property, other than mechanic’s liens for the repair, remodeling, or addition to owner-occupied residential property of four units or less which are governed by section 429.013 and other applicable sections of this chapter.**

**2. As used in this section, the term “residential real property” means any parcel of real estate, improved or unimproved, that is intended to be used or is used for the construction of residential structures and related improvements which support the residential use of the land where such residential structures are intended, upon completion, either to be occupied or sold by the current owner. Such residential structures shall include any residential dwelling of four units or less, whether or not a unit is occupied by an owner and shall also include any structures consisting solely of residential condominiums, townhouses or cooperatives regardless of the number of units. The definition of “residential real estate” shall exclude any mixed use or planned unit developments except to the extent that any residential uses of such developments are, or will be, located on separate, identifiable parcels from the non-residential uses and then only as to those residential uses. Residential real property shall also include any streets, sidewalks, utility services, improved common areas, or other facilities which are constructed within the defined residential use structures or located on or within the separate and identifiable parcels identified as for residential use.**

**3. Any person or entity, hereinafter referred to as claimant, who seeks to retain the right to assert a mechanic’s lien against residential real property, hereinafter referred to as property, shall record a notice of rights in the office of the recorder of deeds for the county in which the property is located, not less than five calendar days prior to the intended date of closing stated in a notice of intended sale as contemplated in this section.**

**4. Notwithstanding subsection 3 of this section, a claimant that is accurately identified in any previously recorded notice of rights recorded as to the property is relieved of its duty to record a notice of rights.**

**5. If the last day to record the notice of rights falls on a Saturday, Sunday, or legal holiday recognized by the state of Missouri, the notice of rights shall be recorded not later than the next day that the office of the recorder of deeds is open for business.**

**6. Any claimant that fails to record such notice of rights shall be deemed to waive and forfeit any right to assert a mechanic’s lien against such property. Despite any such waiver and forfeiture of mechanic’s lien rights, the claimant shall retain all other rights and remedies allowed by law to collect payment for its work, labor, and materials.**

**7. Notwithstanding any other provision of this section, a notice of rights recorded after the owner’s**

conveyance of the property to a bona fide purchaser for value shall not be effective to preserve the claimant's mechanic's lien rights to the property.

8. The notice of rights shall comply with section 59.310 and be on a form substantially as follows:

**NOTICE OF RIGHTS**

**Date:** The date of the document.

**Owner:** Identify Property owner, as "Grantor" by correct name.

**Claimant:** Identify Claimant, as "Grantee" by correct name, current address, contact persons, and current telephone number.

**Property:** The legal description of the property.

**Person Contracting with Claimant for Work:** Identify person or entity contracting with Claimant by correct name, current address, and current telephone number.

**Persons performing work for or supplying materials to Claimant:** Claimant may, but is not obligated to, identify any persons or entities which have or will be performing work or supplying materials on behalf of Claimant for the Property. Said persons or entities must be identified by correct legal name, address, and current telephone number.

A recorded notice correctly identifies a person or entity so long as the identifying information in the notice is neither deceptively similar to another person or entity reasonably likely to provide labor, materials, supplies, or equipment for the improvement of property nor so deficient in information as to make it unreasonably difficult to identify such person or entity. The form shall be signed by a person authorized to execute the form on behalf of the claimant, and such signature shall be notarized. The name of the person signing the form shall be printed legibly or typed immediately below the signature.

9. The notice of rights shall be recorded by the claimant in the office of the recorder of deeds of the county in which the property is located.

10. The recorder of deeds shall record such notice of rights in the land records and index notice of rights such that owners shall be deemed grantors and claimants shall be deemed grantees, and the grantor's signature shall not be required for recording.

11. (1) If the record title owner of residential real property, hereinafter the owner, has contracted with a claimant for the performance or provision of work, labor, or materials for the improvement of such property in order to facilitate the owner's sale of such property to a bona fide purchaser for value as contemplated in this section, then the owner or such owner's designated agent, shall record a notice of intended sale in the office of the recorder of deeds for the county in which the property is located. The notice of intended sale shall be recorded not less than forty-five calendar days prior to the earliest calendar date the owner intends to close on the sale of such property to such purchaser. The notice of intended sale shall state the calendar date on which the owner intends to close on the sale of such property to such purchaser. Only one notice of intended sale shall be recorded, even if the intended date of closing stated therein is postponed to a date later than that stated in the notice of intended sale. The owner's, or its designated agent's, recording of a notice of intended sale as to the subject property, as contemplated herein, is a condition precedent to a claimant's obligation to record a notice of rights as to the subject property in order to retain a claimant's mechanics lien



rights as to such property.

(2) The owner, or its designated agent, shall post on the subject property, or at an entrance to the subject property, or at any jobsite office located at or near the subject property, a copy of the owner's notice of intended sale.

(3) The owner, or its designated agent, shall provide any claimant with a copy of the notice of intended sale and a copy of a legal description of the subject property, within five calendar days after the date the owner, or its designated agent, receives a written request for the same from any such claimant. The information contemplated herein shall be transmitted by U.S. mail addressed to the claimant's registered agent or principal place of business or transmitted by other commercially reasonable means. A claimant shall, in turn, provide any person or entity with which it has contracted to perform or provide work, labor, or materials for the improvement of the subject property, with written notice in the same form and manner, and containing the same information, as the written notice issued by the owner, all within ten calendar days after the date the claimant receives a written request for the same from any such person or entity.

(4) If any owner, or its designated agent, fails to comply with the requirements of this section, a claimant shall be entitled to receive, as its sole and exclusive remedy for such failure to comply with the section, the claimant's actual and reasonable costs, excluding attorney fees, to obtain a legal description of the subject property necessary for the claimant to record its notice of rights. The costs described in this section shall be lienable expenses. The owner's, or its designated agent's failure to post or mail or transmit the information contemplated in this section, shall not relieve, and is not a condition precedent to, a claimant's obligation to record its notice of right in order to retain claimant's mechanic lien rights as to such property.

(5) The owner, or its designated agent, shall not be liable to any claimant, or other person, for any error, omission, or inaccuracy in the content of the information provided and disclosed by the owner, or its designated agent, except as otherwise expressly provided in this section. If a claimant receives a copy of the notice of intended sale and a legal description of the subject property from the owner, or its designated agent as contemplated in this section and the claimant relies in good faith upon the legal description and includes such legal description in a notice of rights as required in this section, and the claimant's notice of rights otherwise complies with the requirements of this section, then any such claimant's notice of rights shall be deemed to comply with the requirements of this section, and such claimant's right to assert a mechanic's lien as to the subject residential real property shall be retained even if subsequently it is determined that such legal description is in error or inaccurate as to the subject residential real property.

12. The recording of a notice of rights shall not extend the time for filing a mechanic's lien as provided under section 429.080.

13. A separate notice of rights shall be recorded for each lot or parcel of residential real property upon which the claimant performs its work. Nothing herein shall be construed to prohibit the claimant from providing a notice of rights covering multiple lots in the same subdivision if common ownership of lots exists. If the claimant commences its work prior to the platting or subdivision of a tract of land comprising residential real property, the claimant is only required to record one notice of rights provided that the entire tract of land upon which any such lien is to be asserted is described in such notice of rights.

**14. The claimant shall not be required to provide the notice required under section 429.100, but compliance with the requirements of this section shall not relieve the claimant of its duty to comply with all other applicable sections of this chapter, except as specifically modified herein, in order to preserve, assert, and enforce its mechanic's lien rights.**

**15. For purposes of any mechanic's liens against residential real property only, a claimant satisfies the just and true account requirement contained in section 429.080 by providing the following information and documentation as part of its mechanic's lien claim filed with the clerk of the circuit court:**

**(1) A photocopy of the file-stamped notice of rights and any renewals of notice of rights recorded by or identifying claimant;**

**(2) The name and address of the person or entity which claimant contracted with to perform work on the property;**

**(3) A copy of any contract or contracts, purchase order or orders, or proposal or proposals, hereinafter collectively referred to as agreements, and any agreed change orders or modifications to such agreement or agreements under which claimant performed its work on the property;**

**(4) In the absence of any written agreement or agreements, a general description of the scope of work agreed to be performed by claimant on the property and the basis for payment for such work as agreed to by claimant and the contracting party;**

**(5) All invoices submitted by claimant for its work on the property;**

**(6) An accurate statement of account which shows all payments or credits against amounts otherwise due to claimant for the work performed on the property and the calculation or basis for the amount claimed by claimant in its mechanic's lien statement; and**

**(7) The last date that claimant performed any work or labor upon, or provided any materials or equipment to, the property;**

**(8) The claimant shall attach a file-stamped copy of his or her notice of rights to claimant's mechanic's lien statement if and when filed with the circuit clerk under section 429.080.**

**16. To the extent that any error in the information contained in the claimant's notice of rights prejudices the owner, any lender, disbursing company, title insurance company, or subsequent purchaser of the property, the claimant's rights to assert a mechanic's lien shall be forfeited to the extent of the prejudice caused by such error.**

**17. A person having an interest in any residential real property against which a mechanic's lien has been filed may release such residential real property from any such mechanic's lien by:**

**(1) Depositing in the office of the circuit clerk a sum of money, in cash or certified check, an irrevocable letter of credit, which may be secured, issued by a federally or state chartered bank, savings and loan association or savings bank, referred to hereafter as a bank, authorized to and doing business in the state of Missouri, or a surety bond issued by a surety company authorized to do surety business in the state of Missouri and having a certificate of authority to do business with the United States government in accordance with 31 CFR Section 223.1, in an amount not less than one hundred fifty percent of the amount of the mechanic's lien being released; and**

**(2) Recording with the recorder of deeds and filing with the circuit clerk a certificate of deposit signed by the circuit clerk which provides the following information:**

**(a) Amount of money deposited, amount of the letter of credit deposited, or penal sum of the bond deposited, along with the name and address of the bank issuing the letter of credit or surety company issuing the bond, as well as a service address for the bank or surety company;**

**(b) Name of claimant, number assigned to the mechanic's lien being released, and the amount of the mechanic's lien being released;**

**(c) Legal description of the property against which the mechanic's lien was filed;**

**(d) Name, address, and property interest of the person making the deposit of money, providing the letter of credit or providing the surety bond; and**

**(e) A certification by the person making the deposit of money, providing the letter of credit, or providing the surety bond that they have mailed a copy of the certificate of deposit to the claimant at the address listed on the mechanic's lien being released, along with a copy of any letter of credit or bond deposited by said person.**

**18. Any surety bond deposited as substitute collateral shall obligate the surety company, to the extent of the penal sum of the bond, to pay any judgment entered under section 429.210.**

**19. Any letter of credit deposited as substitute collateral shall obligate the issuing bank, to the extent of the amount of the letter of credit, to pay any judgment entered under section 429.210.**

**20. Upon release of the residential real property from a mechanic's lien by the deposit of substitute collateral, the claimant's rights are transferred from the residential real property to the substitute collateral.**

**21. Upon determination of the amount of claimant's claim, if any, against the substitute collateral, the court shall either:**

**(1) Order the circuit clerk to pay the claimant any sums awarded out of the deposited funds and release any remainder to the person or entity who made the cash deposit;**

**(2) Order the bank to issue payment under the letter of credit for the awarded amount but not exceeding the amount of the letter of credit;**

**(3) Render judgment against the surety company on the bond for the amount awarded up to but not exceeding the penal sum of the bond; or**

**(4) Release the substitute collateral**

**all as deemed appropriate by the court.**

**22. The deposit of substitute collateral and release of claimant's mechanic's lien shall not modify any aspect of the priority of claimant's interest, claimant's burden of proving compliance with the mechanic's lien statutes, or claimant's obligations with respect to enforcement of its mechanic's lien claim, including, but not limited to, time for filing suit to enforce and necessary parties to the suit to enforce. It is the intent only that the deposited substitute collateral shall be the ultimate source of any potential recovery by claimant instead of the funds generated by foreclosure of the residential real property.**

**23. A release of a mechanic's lien under the deposit of substitute collateral shall not relieve any claimant of potential liability for slander of title or otherwise due to the filing of claimant's mechanic's lien.**

**24. The surety company for any bond or the bank which issued the letter of credit deposited under this section shall be made a party to any mechanic's lien enforcement action with respect to any mechanic's lien released by the deposit of said bond or letter of credit.**

**25. Any claimant may waive its right to assert a mechanic's lien against residential real property by executing a partial or full waiver of mechanic's lien rights, whether conditioned upon receipt of payment or unconditional, provided that a waiver of mechanic's lien rights shall not be deemed or interpreted to waive or release mechanic's lien rights in exchange for a payment of less than the amount claimed due at that time unless such mechanic's lien waiver is an unconditional, final mechanic's lien waiver in compliance with this section.**

**26. An unconditional, final lien waiver is a complete and absolute waiver of any mechanic's lien rights against the residential real property described in the mechanic's lien waiver, including any rights which might otherwise arise from remedial or additional labor, services, or materials provided to the residential real property, or which might benefit the residential real property, under either an initial agreement or a supplemental agreement entered into by the same parties prior to the execution of the unconditional, final mechanic's lien waiver.**

**27. An unconditional, final mechanic's lien waiver shall only be valid if it is on a form that is substantially as follows:**

**UNCONDITIONAL FINAL LIEN WAIVER FOR RESIDENTIAL REAL PROPERTY**

**Claimant (provide legal name and address of Claimant) hereby fully, finally, and unconditionally waives and releases any right to assert or enforce a mechanic's lien claim against the residential real property identified below for all work performed by Claimant prior to the date set forth below and for any work hereafter performed by or on behalf of Claimant under any agreements executed by Claimant prior to said date set forth below:**

**(Provide legal description of the Property)**

**Claimant's legal name and the name, title or position, address, and telephone number of the person executing the unconditional final lien waiver on behalf of claimant shall be typed or legibly printed immediately above or below the signature, and the date that the document was signed shall be typed or legibly printed immediately adjacent to the signature.**

**28. A claimant executing an unconditional, final mechanic's lien waiver for less than full consideration shall be bound by such mechanic's lien waiver as it relates to any rights to assert a mechanic's lien against the property, but such mechanic's lien waiver shall not constitute a waiver or release of any other claim, remedy, or cause of action.**

**29. An unconditional, final mechanic's lien waiver meeting the requirements of this section is valid and enforceable as to claimant's mechanic's lien rights as to the property identified on the unconditional, final mechanic's lien waiver notwithstanding claimant's failure to receive any promised payment or other consideration.**

**30. Any claimant who has recorded a notice of rights and who has been paid in full for the work**

performed on the property shall timely execute an unconditional, final mechanic's lien waiver, shall not unreasonably withhold such a waiver when circumstances require prompt execution, and in no event shall fail to provide a waiver any later than five calendar days after claimant's receipt of a written request to do so by any person or entity. A claimant who fails or refuses timely to execute an unconditional, final lien waiver when such claimant has been paid in full for any labor, materials, services, or equipment supplied or used in the improvement to the property shall be presumed liable for slander of title and for any damages sustained as a result thereof, together with a statutory penalty of five hundred dollars.

**31. The provisions of this section shall apply to any residential real property conveyance closing on or after November 1, 2010.”; and**

Further amend the title and enacting clause accordingly.

Senator Schmitt moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Schaefer offered **SA 4**, which was read:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 and 1811, Page 3, Section 193.145, Lines 18-27 of said page, by striking all of said lines.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 and 1811, Page 2, Section A, Line 15 of said page, by inserting after all of said line the following:

**“60.670. 1. As used in this section, the following terms shall mean:**

**(1) “Cadastral parcel mapping”, an accurately delineated identification of all real property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the position of the legal framework is derived from the USPLSS, existing tax maps, and tax database legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats.**

**(2) “Digital cadastral parcel mapping”, encompasses the concepts of automated mapping, graphic display and output, data analysis, and data base management as pertains to cadastral parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data, people, organizations, and institutional arrangements for collecting, storing, analyzing, and disseminating information about the location and areas of parcels and the USPLSS;**

**(3) “USPLSS” or “United States public land survey system”, a survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the land survey program of the department of natural resources;**

(4) “Tax map”, a document or map for taxation purposes representing the location, dimensions, and other relevant information pertaining to a parcel of land subject to property taxes.

2. The office of the state land surveyor established within the department of natural resources shall promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

3. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system shall comply with the rules promulgated under this section, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map have already agreed to the terms of their contract on the effective date of the rules promulgation.”; and

Further amend said bill, page 90, section 327.041, line 22 by inserting after all of said line, the following:

“327.272. 1. **A professional land surveyor shall include** any person who practices in Missouri as a professional land surveyor who uses the title of “surveyor” alone or in combination with any other word or words including, but not limited to “registered”, “professional” or “land” indicating or implying that the person is, or holds himself or herself out to be a professional land surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or implies that the person is a professional land surveyor or is willing or able to practice professional land surveying or who renders or offers to render, or holds himself or herself out as willing or able to render, or perform any service or work, the adequate performance of which involves the special knowledge and application of the principles of **land surveying**, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience and examination, that affect real property rights on, under or above the land and which service or work involves:

(1) The **determination, location, relocation, establishment, reestablishment, layout, or retracing** of land boundaries **and positions of the United States Public Land Survey System**;

(2) Monumentation of land boundaries, land boundary corners and corners of the United States Public Land Survey System;

(3) The subdivision of land into smaller tracts;

(4) **Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities in subdivisions (1) to (3) of this subsection**;

(5) Consultation, investigation, evaluation, planning, design and execution of surveys;

[(5)] (6) The preparation of any drawings showing the shape, location, dimensions or area of tracts of land;

[(6)] (7) Monumentation of geodetic control and the determination of their horizontal and vertical

positions;

[(7)] **(8)** Establishment of state plane coordinates;

[(8)] **(9)** Topographic surveys and the determination of the horizontal and vertical location of any physical features on, under or above the land;

[(9)] **(10)** The preparation of plats, maps or other drawings showing elevations and the locations of improvements and the measurement and preparation of drawings showing existing improvements after construction;

[(10)] **(11)** Layout of proposed improvements;

[(11)] **(12)** The determination of azimuths by astronomic observations.

2. None of the specific duties listed in subdivisions (4) to [(11)] **(12)** of subsection 1 of this section are exclusive to professional land surveyors unless they affect real property rights. For the purposes of this section, the term “real property rights” means a recordable interest in real estate as it affects the location of land boundary lines.

3. Nothing in this section shall be construed to preclude the practice of architecture or professional engineering as provided in sections 327.091 and 327.181.

4. Nothing in this section shall be construed to prohibit the subdivision of land pursuant to section 137.185, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Cunningham, **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535 and 1811**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 815**, entitled:

An Act to repeal sections 160.011, 160.041, 160.400, 160.405, 160.410, 160.420, 160.545, 161.209, 163.021, 165.011, 168.104, 168.106, 168.110, 168.221, 168.745, 168.747, 171.029, 171.031, 171.033, 177.161, 177.171, and 178.697, RSMo, and to enact in lieu thereof twenty-eight new sections relating to elementary and secondary education, with an effective date for a certain section.

With House Amendment Nos. 1 and 3.

### **HOUSE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 815, Page 25, Section 167.128, Line 9, by inserting immediately after said line the following:

“167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence

submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:

- (1) Insurance;
- (2) The state Medicaid program;
- (3) Complimentary; or
- (4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;
- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

7. [Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and



(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset act, the provisions of the program authorized under this section are hereby reauthorized and shall automatically sunset on June 30, 2020.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 815, Page 38, Section B, by deleting all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 808**, as amended, and grants the Senate a conference thereon and the conferees be allowed to exceed the differences on **HA 4**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 829**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 1007**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2**, **HA 3** and **HA 4** to **SCS** for **SB 616**, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HCS No. 2** for **SB 844**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HCS** for **SCS** for **SB 754**, as amended.

#### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 808**, as amended: Senators Callahan, Green, Griesheimer, Dempsey and Crowell.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 829**, as amended: Senators Schaefer, Schmitt, Pearce, McKenna and Callahan.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 1007**, as amended: Senators Dempsey, Schmitt, Crowell, Justus and Callahan.

President Pro Tem Shields reappointed the following conference committee to act with a like committee from the House on **HCS No. 2** for **SB 844**: Senators Shields, Scott, Vogel, Green and McKenna.

President Pro Tem Shields reappointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 754**, as amended: Senators Dempsey, Scott, Pearce, Justus and Callahan.

### **HOUSE BILLS ON THIRD READING**

Senator Cunningham moved that **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, as amended, was again taken up.

Senator Keaveny offered **SA 6**:

#### **SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 and 1811, Page 137, Section 441.645, Line 26 of said page, by inserting after all of said line the following:

“452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the support of the child, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

- (1) The financial needs and resources of the child;
- (2) The financial resources and needs of the parents;
- (3) The standard of living the child would have enjoyed had the marriage not been dissolved;
- (4) The physical and emotional condition of the child, and the child’s educational needs;
- (5) The child’s physical and legal custody arrangements, including the amount of time the child spends with each parent and the reasonable expenses associated with the custody or visitation arrangements; and
- (6) The reasonable work-related child care expenses of each parent.

2. The obligation of the parent ordered to make support payments shall abate, in whole or in part, for such periods of time in excess of thirty consecutive days that the other parent has voluntarily relinquished physical custody of a child to the parent ordered to pay child support, notwithstanding any periods of visitation or temporary physical and legal or physical or legal custody pursuant to a judgment of dissolution or legal separation or any modification thereof. In a IV-D case, the family support division may determine

the amount of the abatement pursuant to this subsection for any child support order and shall record the amount of abatement in the automated child support system record established pursuant to chapter 454, RSMo. If the case is not a IV-D case and upon court order, the circuit clerk shall record the amount of abatement in the automated child support system record established in chapter 454, RSMo.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:

(1) Dies;

(2) Marries;

(3) Enters active duty in the military;

(4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent;

(5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply; or

(6) Reaches age twenty-one, unless the provisions of the child support order specifically extend the parental support order past the child's twenty-first birthday for reasons provided by subsection 4 of this section.

4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, if the child continues to attend and progresses toward completion of said program, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school or completion of a graduation equivalence degree program and so long as the child enrolls for and completes at least twelve hours of credit each semester, not including the summer semester, at an institution of vocational or higher education and achieves grades sufficient to reenroll at such institution, the parental support obligation shall continue until the child completes his or her education, or until the child reaches the age of twenty-one, whichever first occurs. To remain eligible for such continued parental support, at the beginning of each semester the child shall submit to each parent a transcript or similar official document provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and an official document from the institution listing the courses which the child is enrolled in for the upcoming term and the number of credits for each such course. When enrolled in at least twelve credit hours, if the child receives failing grades in half or more of his or her courseload in any one semester, payment of child support may be terminated and shall not be eligible for reinstatement. Upon request for notification of the child's grades by the noncustodial parent, the child shall produce the required documents to the noncustodial parent within thirty days of receipt of grades from the education institution. If the child fails to produce the required documents, payment of child support may terminate without the accrual of any child support arrearage and shall not be eligible for reinstatement. If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or parent obligated to pay support may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an "institution of vocational education" means

any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. “Higher education” means any community college, college, or university at which the child attends classes regularly. A child who has been diagnosed with a developmental disability, as defined in section 630.005, RSMo, or whose physical disability or diagnosed health problem limits the child’s ability to carry the number of credit hours prescribed in this subsection, shall remain eligible for child support so long as such child is enrolled in and attending an institution of vocational or higher education, and the child continues to meet the other requirements of this subsection. A child who is employed at least fifteen hours per week during the semester may take as few as nine credit hours per semester and remain eligible for child support so long as all other requirements of this subsection are complied with.

6. The court shall consider ordering a parent to waive the right to claim the tax dependency exemption for a child enrolled in an institution of vocational or higher education in favor of the other parent if the application of state and federal tax laws and eligibility for financial aid will make an award of the exemption to the other parent appropriate.

7. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child except for cases where the court specifically finds that such contact is not in the best interest of the child. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or future obligation of support and may transfer the physical and legal or physical or legal custody of one or more children if it finds that a parent has, without good cause, failed to provide visitation or physical and legal or physical or legal custody to the other parent pursuant to the terms of a judgment of dissolution, legal separation or modifications thereof. The court shall also award, if requested and for good cause shown, reasonable expenses, attorney’s fees and court costs incurred by the prevailing party.

8. The Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. The guidelines shall address how the amount of child support shall be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. The Missouri supreme court shall publish child support guidelines and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines. Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every four years to ensure that its application results in the determination of appropriate child support award amounts.

9. There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection 8 of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record in a judicial or administrative proceeding that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, is required if requested by a party and shall be sufficient to rebut the presumption in the case. The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.

10. Pursuant to this or any other chapter, when a court determines the amount owed by a parent for support provided to a child by another person, other than a parent, prior to the date of filing of a petition requesting support, or when the director of the family support division establishes the amount of state debt due pursuant to subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established pursuant to subsection 8 of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection 8 of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount.

11. The obligation of a parent to make child support payments may be terminated as follows:

(1) Provided that the **state case registry** or child support order contains the child's date of birth, the obligation shall be deemed terminated without further judicial or administrative process when the child reaches age twenty-one if the child support order does not specifically require payment of child support beyond age twenty-one for reasons provided by subsection 4 of this section;

(2) The obligation shall be deemed terminated without further judicial or administrative process when the parent receiving child support furnishes a sworn statement or affidavit notifying the obligor parent of the child's emancipation in accordance with the requirements of subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the court which entered the order establishing the child support obligation, or the **family support** division [of child support enforcement] **for an order entered under section 454.470**;

(3) The obligation shall be deemed terminated without further judicial or administrative process when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the family support division **for an order entered under section 454.470**, stating that the child is emancipated and reciting the factual basis for such statement; which statement or affidavit is served by the court or division, **as applicable**, on the child support obligee; and which is either acknowledged and affirmed by the child support obligee in writing, or which is not responded to in writing within thirty days of receipt by the child support obligee;

(4) The obligation shall be terminated as provided by this subdivision by the court which entered the order establishing the child support obligation, or the family support division **for an order entered under section 454.470**, when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the family support division, **as applicable**, stating that the child is emancipated and reciting the factual basis for such statement; and which statement or affidavit is served by the court or division, **as applicable**, on the child support obligee. If the obligee denies the statement or affidavit, the court or division shall thereupon treat the sworn statement or affidavit as a [motion to modify the support obligation pursuant to section 452.370 or section 454.496,

RSMo,] **request for hearing** and shall proceed to hear and adjudicate such [motion] **request for hearing** as provided by law; provided that the court may require the payment of a deposit as security for court costs and any accrued court costs, as provided by law, in relation to such [motion to modify] **request for hearing**. **When the division receives a request for hearing, the hearing shall be held in the manner provided by section 454.475.**

12. The court may enter a judgment terminating child support pursuant to subdivisions (1) to (3) of subsection 11 of this section without necessity of a court appearance by either party. The clerk of the court shall mail a copy of a judgment terminating child support entered pursuant to subsection 11 of this section on both the obligor and obligee parents. The supreme court may promulgate uniform forms for sworn statements and affidavits to terminate orders of child support obligations for use pursuant to subsection 11 of this section and subsection 4 of section 452.370.”; and

Further amend said bill, page 138, section 452.430, line 22 of said page, by inserting after all of said line the following:

“454.475. 1. Hearings provided for in this section shall be conducted pursuant to chapter 536, RSMo, by administrative hearing officers designated by the Missouri department of social services. The hearing officer shall provide the parents, the person having custody of the child, or other appropriate agencies or their attorneys with notice of any proceeding in which support obligations may be established or modified. The department shall not be stayed from enforcing and collecting upon the administrative order during the hearing process and during any appeal to the courts of this state, unless specifically enjoined by court order.

2. If no factual issue has been raised by the application for hearing, or the issues raised have been previously litigated or do not constitute a defense to the action, the director may enter an order without an evidentiary hearing, which order shall be a final decision entitled to judicial review as provided in sections 536.100 to 536.140, RSMo.

3. After full and fair hearing, the hearing officer shall make specific findings regarding the liability and responsibility, if any, of the alleged responsible parent for the support of the dependent child, and for repayment of accrued state debt or arrearages, and the costs of collection, and shall enter an order consistent therewith. In making the determination of the amount the parent shall contribute toward the future support of a dependent child, the hearing officer shall [use the scale and formula for minimum support obligations established by the department pursuant to section 454.480] **consider the factors set forth in section 452.340.**

4. If the person who requests the hearing fails to appear at the time and place set for the hearing, upon a showing of proper notice to that parent, the hearing officer shall enter findings and order in accordance with the provisions of the notice and finding of support responsibility unless the hearing officer determines that no good cause therefor exists.

5. In contested cases, the findings and order of the hearing officer shall be the decision of the director. Any parent or person having custody of the child adversely affected by such decision may obtain judicial review pursuant to sections 536.100 to 536.140, RSMo, by filing a petition for review in the circuit court of proper venue within thirty days of mailing of the decision. Copies of the decision or order of the hearing officer shall be mailed to any parent, person having custody of the child and the division within fourteen days of issuance.

6. If a hearing has been requested, and upon request of a parent, a person having custody of the child,

the division or a IV-D agency, the director shall enter a temporary order requiring the provision of child support pending the final decision or order pursuant to this section if there is clear and convincing evidence establishing a presumption of paternity pursuant to section 210.822, RSMo. In determining the amount of child support, the director shall consider the factors set forth in section 452.340, RSMo. The temporary order, effective upon filing pursuant to section 454.490, is not subject to a hearing pursuant to this section. The temporary order may be stayed by a court of competent jurisdiction only after a hearing and a finding by the court that the order fails to comply with rule 88.01.

454.517. 1. The director, IV-D agency or the obligee may cause a lien for unpaid and delinquent child or spousal support to be placed upon any workers' compensation benefits payable to an obligor delinquent in child or spousal support payments.

2. No such lien shall be effective unless and until a written notice is filed with the director of the division of workers' compensation. The notice shall contain the name and address of the delinquent obligor, the Social Security number of the obligor, if known, the name of the obligee, and the amount of delinquent child or spousal support.

3. Notice of lien shall not be filed unless the delinquent child or spousal support obligation exceeds one hundred dollars.

4. Any person or persons, firm or firms, corporation or corporations, including an insurance carrier, making any payment of workers' compensation benefits to such obligor or to such obligor's attorneys, heirs or legal representative, after receipt of such notice, as defined in subsection 5 of this section, shall be liable to the obligee or, if support has been assigned pursuant to subsection 2 of section 208.040, RSMo, to the state or IV-D agency in an amount equal to the lesser of the workers' compensation benefits paid or delinquent child or spousal support. In such event, the lien may be enforced by a suit at law against any person or persons, firm or firms, corporation or corporations making the workers' compensation benefit payment.

5. Upon the filing of a notice pursuant to this section, the director of the division of workers' compensation shall mail to the obligor and to all attorneys and insurance carriers of record, a copy of the notice. The obligor, attorneys and insurance carriers shall be deemed to have received the notice within five days of the mailing of the notice by the director of the division of workers' compensation. The lien described in this section shall attach to all workers' compensation benefits which are thereafter payable.

**6. A notice issued by the IV-D agency of this state shall advise the obligor of the procedures to contest the lien under section 454.475 on the grounds that such lien is improper due to a mistake of fact by requesting a hearing within thirty days of the mailing date of the notice. At such a hearing the certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert mistake of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount of the overdue support or an error as to the identity of the obligor. The obligor shall have the burden of proof on such issues.**

7. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this section the obligee or the obligor's attorney shall file notice of the lien with the lienholder or payor. This notice shall have attached a certified copy of the court order with all modifications and a sworn statement by the obligee or a certified statement from the court attesting to or certifying the amount of arrearages.

454.557. 1. A current support obligation shall not be recorded in the records maintained in the automated child support system in the following cases:

(1) In a IV-D case with a support order pursuant to section 454.465 or 454.470 when the division determines that payments for current support are no longer due and should no longer be made to the payment center. The division shall notify by first class mail the obligor and obligee under the support orders that payments shall no longer be made to the payment center, and any withholding of income shall be terminated unless it is subsequently determined by the division or court having jurisdiction that payments will continue. The division's determination shall terminate the division's support order, but shall not terminate any obligation of support established by court order. The obligor and obligee may contest the decision of the division to terminate the division's support order by requesting a hearing within thirty days of the mailing of the notice provided pursuant to this section. The hearing shall comply with the provisions of section 454.475;

(2) In [a IV-D case] **all cases** with a support order entered by a court when the court that issued the support order terminates such order [and notifies the division]. The division shall also cease enforcing the order if no past support is due; or

(3) In all cases when the [child is twenty-two years of age, unless a court orders support to continue. The obligor or obligee may contest the decision of the division to terminate accruing support orders by requesting a hearing within thirty days of the mailing of notice by the division. The hearing shall comply with the provisions of section 454.475. The issue at the hearing, if any, shall be limited to a mistake of fact as to the age of the child or the existence of a court order requiring support after the age of twenty-two] **obligation of a parent to make child support payments is deemed terminated under subdivisions (1) to (4) of subsection 11 of section 452.340.**

2. Nothing in this section shall affect or terminate the amount due for unpaid past support.

454.1003. 1. A court or the director of the division of child support enforcement may issue an order, or in the case of a business, professional or occupational license, only a court may issue an order, suspending an obligor's license and ordering the obligor to refrain from engaging in a licensed activity in the following cases:

(1) When the obligor is not making child support payments in accordance with a [court] **support** order and owes an arrearage in an amount greater than or equal to three months support payments or two thousand five hundred dollars, whichever is less, as of the date of service of a notice of intent to suspend such license; or

(2) When the obligor or any other person, after receiving appropriate notice, fails to comply with a subpoena of a court or the director concerning actions relating to the establishment of paternity, or to the establishment, modification or enforcement of support orders, or order of the director for genetic testing.

2. In any case but a IV-D case, upon the petition of an obligee alleging the existence of an arrearage, a court with jurisdiction over the support order may issue a notice of intent to suspend a license. In a IV-D case, the director, or a court at the request of the director, may issue a notice of intent to suspend.

3. The notice of intent to suspend a license shall be served on the obligor personally or by certified mail. If the proposed suspension of license is based on the obligor's support arrearage, the notice shall state that the obligor's license shall be suspended sixty days after service unless, within such time, the obligor:



- (1) Pays the entire arrearage stated in the notice;
- (2) Enters into and complies with a payment plan approved by the court or the division; or
- (3) Requests a hearing before the court or the director.

4. In a IV-D case, the notice shall advise the obligor that hearings are subject to the contested case provisions of chapter 536, RSMo.

5. If the proposed suspension of license is based on the alleged failure to comply with a subpoena relating to paternity or a child support proceeding, or order of the director for genetic testing, the notice of intent to suspend shall inform the person that such person's license shall be suspended sixty days after service, unless the person complies with the subpoena or order.

6. If the obligor fails to comply with the terms of repayment agreement, a court or the division may issue a notice of intent to suspend the obligor's license.

7. In addition to the actions to suspend or withhold licenses pursuant to this chapter, a court or the director of the division of child support enforcement may restrict such licenses in accordance with the provisions of this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 and 1811, Page 2, Section A, Line 15, by inserting after all of said line the following:

**“67.2800. 1. Sections 67.2800 to 67.2835 shall be known and may be cited as the “Property Assessment Clean Energy Act”.**

**2. As used in sections 67.2800 to 67.2835, the following words and terms shall mean:**

**(1) “Assessment contract”, a contract entered into between a clean energy development board and a property owner under which the property owner agrees to pay an annual assessment for a period of up to twenty years in exchange for financing of an energy efficiency improvement or a renewable energy improvement;**

**(2) “Authority”, the state environmental improvement and energy resources authority established under section 260.010;**

**(3) “Bond”, any bond, note, or similar instrument issued by or on behalf of a clean energy development board;**

**(4) “Clean energy conduit financing”, the financing of energy efficiency improvements or renewable energy improvements for a single parcel of property or a unified development consisting of multiple adjoining parcels of property under section 67.2825;**

**(5) “Clean energy development board”, a board formed by one or more municipalities under section 67.2810;**

(6) “Energy efficiency improvement”, any acquisition, installation, or modification on or of publicly or privately owned property designed to reduce the energy consumption of such property, including but not limited to:

(a) Insulation in walls, roofs, attics, floors, foundations, and heating and cooling distribution systems;

(b) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective windows and doors, and other window and door improvements designed to reduce energy consumption;

(c) Automatic energy control systems;

(d) Heating, ventilating, or air conditioning distribution system modifications and replacements;

(e) Caulking and weatherstripping;

(f) Replacement or modification of lighting fixtures to increase energy efficiency of the lighting system without increasing the overall illumination of the building unless the increase in illumination is necessary to conform to applicable state or local building codes;

(g) Energy recovery systems; and

(h) Daylighting systems;

(7) “Municipality”, any county, city, or incorporated town or village of this state;

(8) “Project”, any energy efficiency improvement or renewable energy improvement;

(9) “Property assessed clean energy local finance fund”, a fund that may be established by the authority for the purpose of making loans to clean energy development boards to establish and maintain property assessed clean energy programs;

(10) “Property assessed clean energy program”, a program established by a clean energy development board to finance energy efficiency improvements or renewable energy improvements under section 67.2820;

(11) “Renewable energy improvement”, any acquisition and installation of a fixture, product, system, device, or combination thereof on publicly or privately owned property that produces energy from renewable resources, including, but not limited to photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems.

3. All projects undertaken under sections 67.2800 to 67.2835 are subject to the applicable municipality’s ordinances and regulations, including, but not limited to those ordinances and regulations concerning zoning, subdivision, building, fire safety, and historic or architectural review.

67.2805. 1. The authority may, as needed, promulgate administrative rules and regulations relating to the following:

(1) Guidelines and specifications for administering the property assessed clean energy local finance fund; and

(2) Any clarification to the definitions of energy efficiency improvement and renewable energy improvement as the authority may determine is necessary or advisable.

**2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.**

**67.2810. 1. One or more municipalities may form clean energy development boards for the purpose of exercising the powers described in sections 67.2800 to 67.2835. Each clean energy development board shall consist of not less than three members, as set forth in the ordinance or order establishing the clean energy development board. Members shall serve terms as set forth in the ordinance or order establishing the clean energy development board and shall be appointed:**

**(1) If only one municipality is participating in the clean energy development board, by the chief elected officer of the municipality with the consent of the governing body of the municipality; or**

**(2) If more than one municipality is participating, in a manner agreed to by all participating municipalities.**

**2. A clean energy development board shall be a political subdivision of the state and shall have all powers necessary and convenient to carry out and effectuate the provisions of sections 67.2800 to 67.2835, including, but not limited to the following:**

**(1) To adopt, amend, and repeal bylaws, which are not inconsistent with sections 67.2800 to 67.2835;**

**(2) To adopt an official seal;**

**(3) To sue and be sued;**

**(4) To make and enter into contracts and other instruments with public and private entities;**

**(5) To accept grants, guarantees, and donations of property, labor, services, and other things of value from any public or private source;**

**(6) To employ or contract for such managerial, legal, technical, clerical, accounting, or other assistance it deems advisable;**

**(7) To levy and collect special assessments under an assessment contract with a property owner and to record such special assessments as a lien on the property;**

**(8) To borrow money from any public or private source and issue bonds and provide security for the repayment of the same;**

**(9) To finance a project under an assessment contract;**

**(10) To collect reasonable fees and charges in connection with making and servicing assessment contracts and in connection with any technical, consultative, or project assistance services offered;**

**(11) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States or any agency or instrumentality thereof, or in bank certificates of deposit; provided, however, the limitations on investments provided in this subdivision shall not apply**

to proceeds acquired from the sale of bonds which are held by a corporate trustee; and

(12) To take whatever actions necessary to participate in and administer a clean energy conduit financing or a property assessed clean energy program.

3. No later than July first of each year, the clean energy development board shall file with each municipality that participated in the formation of the clean energy development board and with the director of the department of natural resources, an annual report for the preceding calendar year that includes:

(1) A brief description of each project financed by the clean energy development board during the preceding calendar year, which shall include the physical address of the property, the name or names of the property owner, an itemized list of the costs of the project, and the name of any contractors used to complete the project;

(2) The amount of assessments due and the amount collected during the preceding calendar year;

(3) The amount of clean energy development board administrative costs incurred during the preceding calendar year;

(4) The estimated cumulative energy savings resulting from all energy efficiency improvements financed during the preceding calendar year; and

(5) The estimated cumulative energy produced by all renewable energy improvements financed during the preceding calendar year.

4. No lawsuit to set aside the formation of a clean energy development board or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the effective date of the ordinance or order creating the clean energy development board. No lawsuit to set aside the approval of a project, an assessment contract, or a special assessment levied by a clean energy development board, or to otherwise question the proceedings related thereto shall be brought after the expiration of sixty days from the date that the assessment contract is executed.

**67.2815. 1.** A clean energy development board shall not enter into an assessment contract or levy or collect a special assessment for a project without making a finding that there are sufficient resources to complete the project and that the estimated economic benefit expected from the project during the financing period is equal to or greater than the cost of the project.

2. An assessment contract shall be executed by the clean energy development board and the benefitted property owner or property owners and shall provide:

(1) A description of the project, including the estimated cost of the project and details on how the project will either reduce energy consumption or create energy from renewable sources;

(2) A mechanism for:

(a) Verifying the final costs of the project upon its completion; and

(b) Ensuring that any amounts advanced or otherwise paid by the clean energy development board toward costs of the project will not exceed the final cost of the project;

(3) An acknowledgment by the property owner that the property owner has received or will receive a special benefit by financing a project through the clean energy development board that

**equals or exceeds the total assessments due under the assessment contract;**

**(4) An agreement by the property owner to pay annual special assessments for a period not to exceed twenty years, as specified in the assessment contract;**

**(5) A statement that the obligations set forth in the assessment contract, including the obligation to pay annual special assessments, are a covenant that shall run with the land and be obligations upon future owners of such property; and**

**(6) An acknowledgment that no subdivision of property subject to the assessment contract shall be valid unless the assessment contract or an amendment thereof divides the total annual special assessment due between the newly subdivided parcels pro rata to the special benefit realized by each subdivided parcel.**

**3. The total special assessments levied against a property under an assessment contract shall not exceed the sum of the cost of the project, including any required energy audits and inspections, or portion thereof financed through the participation in a property assessed clean energy program or clean energy conduit financing, including the costs of any audits or inspections required by the clean energy development board, plus such administration fees, interest, and other financing costs reasonably required by the clean energy development board.**

**4. The clean energy development board shall provide a copy of each signed assessment contract to the local county assessor and county collector and shall cause a copy of such assessment contract to be recorded in the real estate records of the county recorder of deeds.**

**5. Special assessments agreed to under an assessment contract shall be a lien on the property against which it is assessed on behalf of the applicable clean energy development board from the date that each annual assessment under the assessment contract becomes due. Such special assessments shall be collected by the county collector in the same manner and with the same priority as ad valorem real property taxes. Once collected, the county collector shall pay over such special assessment revenues to the clean energy development board in the same manner in which revenues from ad valorem real property taxes are paid to other taxing districts. Such special assessments shall be collected as provided in this subsection from all subsequent property owners, including the state and all political subdivisions thereof, for the term of the assessment contract.**

**6. Any clean energy development board that contracts for outside administrative services to provide financing origination for a project shall offer the right of first refusal to enter into such a contract to a federally insured depository institution with a physical presence in Missouri upon the same terms and conditions as would otherwise be approved by the clean energy development board. Such right of first refusal shall not be applicable to the origination of any transaction that involves the issuance of bonds by the clean energy development board.**

**67.2820. 1. Any clean energy development board may establish a property assessed clean energy program to finance energy efficiency improvements or renewable energy improvements. A property assessed clean energy program shall consist of a program whereby a property owner may apply to a clean energy development board to finance the costs of a project through annual special assessments levied under an assessment contract.**

**2. A clean energy development board may establish application requirements and criteria for project financing approval as it deems necessary to effectively administer such program and ration**

available funding among projects, including but not limited to requiring projects to meet certain energy efficiency standards.

3. Clean energy development boards shall ensure that any property owner approved by the board to participate in a property assessed clean energy program or clean energy conduit financing under sections 67.2800 to 67.2835 shall have good credit worthiness or shall otherwise be considered a low risk for failure to meet the obligations of the program or conduit financing.

4. A clean energy development board may require an initial energy audit conducted by a qualified home energy auditor as defined in subdivision (4) of subsection 1 of section 640.153 as a prerequisite to project financing through a property assessed clean energy program as well as inspections to verify project completion.

67.2825. 1. In lieu of financing a project through a property assessed clean energy program, a clean energy development board may seek to finance any number of projects to be installed within a single parcel of property or within a unified development consisting of multiple adjoining parcels of property by participating in a clean energy conduit financing.

2. A clean energy conduit financing shall consist of the issuance of bonds under section 67.2830 payable from the special assessment revenues collected under an assessment contract with the property owner participating in the clean energy conduit financing and any other revenues pledged thereto.

67.2830. 1. A clean energy development board may issue bonds payable from special assessment revenues generated by assessment contracts and any other revenues pledged thereto. The bonds shall be authorized by resolution of the clean energy development board, shall bear such date or dates, and shall mature at such time or times as the resolution shall specify, provided that the term of any bonds issued for a clean energy conduit financing shall not exceed twenty years. The bonds shall be in such denomination, bear interest at such rate, be in such form, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide. Notwithstanding any provision to the contrary under this section, issuance of the bonds shall conform to the requirements of subsection 1 of section 108.170.

2. Any bonds issued under this section shall not constitute an indebtedness of the state or any municipality. Neither the state nor any municipality shall be liable on such bonds, and the form of such bonds shall contain a statement to such effect.

67.2835. The director of the department of economic development is authorized to allocate the state's residual share, or any portion thereof, of the national qualified energy conservation bond limitation under Section 54D of the Internal Revenue Code of 1986, as amended, for any purposes described therein to the authority, any clean energy development board, the state, any political subdivision, instrumentality, or other body corporate and politic.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for

House Bill Nos. 1692, 1209, 1405, 1499, 1535 and 1811, Page 143, Section 571.030, Line 28, by striking all of said line from the bill; and

Further amend said bill, and section, page 144, line 1 by striking all of said line, and inserting in lieu thereof the following:

**“(5) [Possesses or discharges a firearm or projectile weapon while intoxicated] ~~Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or~~”.**

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 9**:

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535 and 1811, Page 138, Section 452.430, Line 22 of said page, by inserting after all of said line the following:

“488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the judges of the circuit court, en banc, of the county from which such surcharges were collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund may be applied and expended under the direction and order of the judges of the circuit court, en banc, of any such county for the maintenance and upkeep of the law library maintained by the bar association in any such county, or such other law library in any such county as may be designated by the judges of the circuit court, en banc, of any such county; provided, that the judges of the circuit court, en banc, of any such county, and the officers of all courts of record of any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied.

2. In addition, such fund may also be applied and expended for that county’s or circuit’s family services and justice fund.

3. In any county[, other than a county on the nonpartisan court plan,] such fund may also be applied and expended for courtroom renovation and technology enhancement, or for debt service on county bonds for such renovation or enhancement projects.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SS for SCS for HCS No. 2 for HBs 1692, 1209, 1405, 1499, 1535 and 1811**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SS for SCS for HCS No. 2 for HBs 1692, 1209, 1405, 1499, 1535 and 1811**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Bartle Justus—2

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1965**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1965**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HCS** for **HBs 1408** and **1514** and has taken up and passed **CCS** for **SS** for **HCS** for **HBs 1408** and **1514**.

Senator Griesheimer assumed the Chair.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

### PRIVILEGED MOTIONS

Senator Lembke, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS** for **HBs 1408** and **1514** moved that the following conference committee report be taken up, which motion prevailed.

### CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 1408 & 1514

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill Nos. 1408 & 1514, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill Nos. 1408 & 1514;
2. That the House recede from its position on House Committee Substitute for House Bill Nos. 1408 & 1514;



3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill Nos. 1408 & 1514, be Third Read and Finally Passed.

## FOR THE HOUSE:

/s/ Jason Smith  
 /s/ Stan Cox  
 /s/ Joe Smith  
 /s/ Jason Holsman  
 /s/ Jeanette Mott Oxford

## FOR THE SENATE:

/s/ James W. Lembke  
 /s/ Jane Cunningham  
 /s/ Luann Ridgeway  
 /s/ Victor E. Callahan  
 /s/ Ryan McKenna

Senator Lembke moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators—None

## Absent—Senators

Green            Scott—2

## Absent with leave—Senators—None

## Vacancies—None

On motion of Senator Lembke, **CCS** for **SS** for **HCS** for **HBs 1408** and **1514**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 SENATE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NOS. 1408 & 1514

An Act to repeal sections 32.069 and 143.811, RSMo, and to enact in lieu thereof two new sections relating to interest on overpayments of taxes.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators—None

## Absent—Senators

Green            Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Cunningham, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1965**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1965

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, and Senate Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1965;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1965, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Cole McNary

/s/ Eric Burlison

/s/ Tim Jones

Rachel Bringer

Beth Low

FOR THE SENATE:

/s/ Jane Cunningham

/s/ James W. Lembke

/s/ Robert Mayer

/s/ Victor E. Callahan

/s/ Ryan McKenna

Senator Cunningham moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Barnitz—1

Absent—Senators

Clemens          Scott—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Cunningham, **CCS** for **SCS** for **HCS** for **HB 1965**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1965

An Act to repeal sections 2.030, 3.130, 3.140, 8.190, 11.010, 11.020, 21.811, 21.840, 28.085, 30.220, 31.010, 33.065, 33.285, 33.571, 33.577, 34.065, 34.110, 34.130, 37.005, 42.121, 57.080, 57.130, 60.461, 67.2677, 71.240, 71.730, 71.750, 71.970, 94.030, 94.210, 95.365, 96.300, 96.310, 96.320, 96.330, 96.340, 96.350, 96.360, 96.370, 96.380, 99.799, 99.918, 99.1082, 105.140, 105.983, 115.177, 135.205, 135.207, 135.230, 135.431, 135.433, 135.530, 135.903, 135.953, 137.118, 137.286, 142.800, 142.815, 142.821, 143.171, 152.032, 165.016, 165.018, 170.250, 172.860, 173.005, 173.710, 173.715, 173.718, 173.721, 174.020, 174.266, 178.637, 178.930, 191.362, 192.010, 192.120, 192.255, 192.375, 195.060, 195.400, 195.405, 195.410, 195.415, 195.425, 196.180, 196.725, 196.730, 196.750, 196.755, 196.760, 196.765, 196.770, 196.775, 196.780, 196.785, 196.790, 196.795, 196.800, 196.805, 196.810, 197.305, 197.314, 197.317, 197.318, 197.366, 198.058, 198.087, 198.600, 207.023, 207.040, 207.050, 207.055, 208.344, 208.978, 210.002, 210.111, 210.292, 211.013, 211.015, 215.050, 215.263, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 217.860, 221.140, 237.200, 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010, 278.020, 278.030, 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 307.176, 307.367, 311.470, 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070, 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671, 376.990, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225, 454.010, 454.020, 454.030, 454.040, 454.050, 454.060, 454.070, 454.080, 454.090, 454.100, 454.105, 454.110, 454.120, 454.130, 454.140, 454.150, 454.160, 454.170, 454.180, 454.190, 454.200, 454.210, 454.220, 454.230, 454.240, 454.250, 454.260, 454.270, 454.275, 454.280, 454.290, 454.300, 454.310, 454.320, 454.330, 454.340, 454.350, 454.355, 454.360, 454.800, 454.802, 454.804, 454.806, 460.100, 460.250, 488.5345, 490.610, 537.675, 537.684, 620.010, 620.155, 620.156, 620.157, 620.158, 620.160, 620.161, 620.163, 620.164, 620.165, 620.170, 620.173, 620.174, 620.176, 620.1023, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 644.054, 644.550, 644.551, and 660.018, RSMo, and section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof fifty-three new sections for the sole purpose of repealing expired, sunset, terminated, ineffective, or obsolete statutes, with penalty provisions and a contingent effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
---------	--------	------	----------	----------	---------	------------	------

Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Clemens      Green      Scott—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Dempsey assumed the Chair.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 1442**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 1442**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2297**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2297**.

Senator Engler announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

On motion of Senator Engler, the Senate recessed until 7:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

### RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2529, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Omer Kolkmeier, Wellington, which was adopted.

Senator Schmitt offered Senate Resolution No. 2530, regarding Doug Harness, St. Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 2531, regarding Fadil Hamidovic, St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 2532, regarding Michael A. DeHaven, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 2533, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Wayne Neden, Forsyth, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 829**, as amended. Representatives: Lipke, Hobbs, Keeney, Morris and Kelly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 808**, as amended. Representatives: Sutherland, Nolte, Hobbs, Webber and Skaggs.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 1007**, as amended. Representatives: Cooper, Sater, Brandom, McClanahan and Jones (63).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SCS** for **SB 616**, as amended. Representatives: Wasson, Wells, Day, Yaeger and Schoemehl.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**.

### PRIVILEGED MOTIONS

Senator Bartle moved that **SS** for **SCS** for **SBs 586** and **617**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SS** for **SCS** for **SBs 586** and **617**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NOS. 586 and 617

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions and a severability clause.

Was taken up.

Senator Bartle moved that **HCS** for **SS** for **SCS** for **SBs 586** and **617**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Dempsey	Engler	Goodman	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Stouffer	Vogel—27					

NAYS—Senators

Days	Justus	Wilson	Wright-Jones—4
------	--------	--------	----------------

Absent—Senators

Green	Griesheimer	Scott—3
-------	-------------	---------

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bartle, **HCS** for **SS** for **SCS** for **SBs 586** and **617**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Dempsey	Engler	Goodman	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Stouffer	Vogel—27					

NAYS—Senators

Days	Justus	Wilson	Wright-Jones—4
------	--------	--------	----------------

Absent—Senators

Green	Griesheimer	Scott—3
-------	-------------	---------

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** and **SA 2** to **HB 1643** and has taken up and passed **HB 1643**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 1942** and has taken up and passed **HB 1942**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 1941** and has taken up and passed **SCS** for **HB 1941**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 1316** and has taken up and passed **SCS** for **HCS** for **HB 1316**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HB 2290** and has taken up and passed **SS** for **HB 2290**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS No. 2** for **SCS** for **SB 778** and grants the Senate a conference thereon. Further the conferees be allowed to exceed the differences by inserting language regarding access to the Capitol dome key.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** and **SA 2** to **HCS** for **HB 1977** and requests the Senate recede from its position on **SA 1** and **SA 2** to **HCS** for **HB 1977** and take up and pass **HCS** for **HB 1977**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 31**.

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee

from the House on **HCS No. 2** for **SCS** for **SB 778**: Senators Pearce, Crowell, Griesheimer, Justus and Keaveny.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 616**, with **HA 1**, **HA 2**, **HA 3** and **HA 4**: Senators Goodman, Rupp, Schmitt, Justus and McKenna.

### **PRIVILEGED MOTIONS**

Senator Cunningham moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, and grant the House a conference thereon, which motion prevailed.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **HCS No. 2** for **SB 844**, as amended. Representatives: Jones (89), Tilley, Nieves, Nasheed and Hoskins (80).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS No. 2** for **SCS** for **SB 778**. Representatives: McGhee, Jones (117), Largent, Quinn and Todd.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **HCS** for **SCS** for **SB 754**, as amended. Representatives: Day, Wells, Wasson, Dougherty and Webb.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1392** and has taken up and passed **SCS** for **HB 1392**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 2317**, as amended, and has taken up and passed **SS** for **SCS** for **HB 2317**, as amended.

### **HOUSE BILLS ON THIRD READING**

Senator Stouffer moved that **HCS** for **HJR 86**, with **SCS**, **SS No. 3**, for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Stouffer, **SS No. 3** for **SCS** for **HCS** for **HJR 86** was withdrawn, rendering **SA 1** moot.

Senator Stouffer offered **SS No. 4** for **SCS** for **HCS** for **HJR 86**, entitled:



SENATE SUBSTITUTE NO. 4 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE JOINT RESOLUTION NO. 86

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to raise animals.

Senator Stouffer moved that **SS No. 4** for **SCS** for **HCS** for **HJR 86** be adopted.

Senator Crowell assumed the Chair.

Senator Pearce assumed the Chair.

Senator Schaefer assumed the Chair.

Senator Engler assumed the Chair.

Senator Green assumed the Chair.

At the request of Senator Stouffer, **HCS** for **HJR 86**, with **SCS** and **SS No. 4** for **SCS** (pending), was placed on the Informal Calendar.

President Pro Tem Shields assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Crowell, Chairman of the Committee on Veterans' Affairs, Pensions and Urban Affairs, submitted the following report:

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HCS** for **HBs 1524** and **2260**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Green assumed the Chair.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCR 55**.

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 55

WHEREAS, our nation is fortunate to possess a wealth of natural resources and we have a long history of stewardship of these resources; and

WHEREAS, just as a farmer carefully tends the land on which his survival depends, many of our country's best resource stewards are those who use the resource and for whom the resource holds intrinsic value for sustenance, survival, or cultural tradition; and

WHEREAS, recreational fishermen and women are prime examples of responsible resource stewards, as they place an extremely high value on the quality and existence of our nation's coastal waters. Recreational fishermen and women respect our country's marine habitats because they know that in order for these ecosystems to sustain the aquatic life and natural wonder for which they are sought, these resources must be protected and carefully managed; and

WHEREAS, fishing as a pastime in our country boasts strong support, with 93 percent of Americans indicating they support legal recreational fishing, and it is an activity that is enjoyed by Americans across all age, gender, socio-economic, and ethnic distinctions; and

WHEREAS, recreational fishermen and women contribute significantly to the national and regional economies through equipment and

gear purchases, fuel, lodging, and food, with total related sportfishing expenditures exceeding \$125 billion and supporting over 1 million jobs; and

WHEREAS, President Obama created an Interagency Ocean Policy Task Force in June of 2009 charged with recommending a national policy to ensure the protection, maintenance, and restoration of oceans, our coasts, and the Great Lakes; and

WHEREAS, the Task Force has issued two reports since its creation, the Interim Report of the Interagency Ocean Policy Task Force and the Interim Framework for Effective Coastal and Marine Spatial Planning, however the Task Force has failed to expressly recognize responsibly-regulated recreational fishing as a national priority for the oceans and Great Lakes in either of these reports; and

WHEREAS, without its recognition as a national priority, recreational fishing opportunities in the oceans and Great Lakes could become more limited, curtailed, or even potentially eliminated:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strenuously urge President Obama to include recreational fishing and boating in the oceans and Great Lakes as national priorities and ensure and promote recreational fishing and access to public waters in the Interagency Ocean Policy Task Force's concluding report and any forthcoming Executive Order based upon the report; and

BE IT FURTHER RESOLVED that the members strongly urge the members of Congress to take any measure within their power to mitigate or overturn any Executive Order issued to implement recommendations by the Interagency Ocean Policy Task Force if such recommendations do not include responsibly-regulated recreational fishing and boating as national priorities for oceans, our coasts, and the Great Lakes and if such recommendations do not ensure and promote recreational fishing and access to public waters; and

BE IT FURTHER RESOLVED that this action should in no way be construed to represent support for modifying the congressionally authorized project purposes of the Flood Control Act of 1944; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for President Obama, the Chairperson of the Interagency Ocean Policy Task Force, the Speaker of the United States House of Representatives, the President of the United States Senate, and members of the Missouri congressional delegation.

In which the concurrence of the Senate is respectfully requested.

### **PRIVILEGED MOTIONS**

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **HCS No. 2** for **SB 844** moved that the following conference committee report be taken up, which motion prevailed.

#### **CONFERENCE COMMITTEE REPORT NO. 3 ON HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 844**

The Conference Committee appointed on House Committee Substitute No. 2 for Senate Bill No. 844, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute No. 2 for Senate Bill No. 844;
2. The Senate recede from its position on Senate Bill No. 844;
3. That the attached Conference Committee Substitute No. 3 for House Committee Substitute No. 2 for Senate Bill No. 844, be Third Read and Finally Passed.

**FOR THE SENATE:**

/s/ Charlie Shields

Delbert Scott

/s/ Carl M. Vogel

**FOR THE HOUSE:**

/s/ Tim Jones

/s/ Steven Tilley

/s/ Brian Nieves

/s/ Timothy P. Green

/s/ Jamilah Nasheed

/s/ Ryan McKenna

/s/ Theodore Hoskins

Senator Shields moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senator Vogel—1

Vacancies—None

On motion of Senator Shields, **CCS No. 3** for **HCS No. 2** for **SB 844**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 3 FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
SENATE BILL NO. 844

An Act to repeal sections 105.456, 105.473, 105.485, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, 130.071, and 226.033, RSMo, and to enact in lieu thereof twenty-six new sections relating to ethics, with penalty provisions.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### **INTRODUCTIONS OF GUESTS**

Senator Pearce introduced to the Senate, the Physician of the Day, Dr. Curtis Long, M.D., Butler.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Friday, May 14, 2010.

### **SENATE CALENDAR**

---

SEVENTIETH DAY—FRIDAY, MAY 14, 2010

---

### **FORMAL CALENDAR**

#### **THIRD READING OF SENATE BILLS**

SB 627-Justus (In Fiscal Oversight)	SCS for SB 622-Shoemyer (In Fiscal Oversight)
SJR 20-Bartle	SS for SB 1057-Shields (In Fiscal Oversight)
SB 779-Bartle (In Fiscal Oversight)	SCS for SB 969-Keaveny
SCS for SB 944-Shields (In Fiscal Oversight)	

#### **HOUSE BILLS ON THIRD READING**

1. HCS for HB 1675, with SCS (Crowell) (In Fiscal Oversight)	6. HCS for HB 1966, with SCS (Pearce) (In Fiscal Oversight)
2. HJR 76-Dethrow, et al, with SCS (Purgason) (In Fiscal Oversight)	7. HJR 78-Smith (150), et al (Engler) (In Fiscal Oversight)
3. HCS for HB 1497 (Goodman) (In Fiscal Oversight)	8. HCS for HB 1871, with SCS (Lager) (In Fiscal Oversight)
4. HB 2252-Faith (Dempsey) (In Fiscal Oversight)	9. HCS for HB 1473, with SCS (Pearce)
5. HCS for HJR 64, with SCS (Pearce) (In Fiscal Oversight)	10. HCS for HB 2201, with SCS (Schaefer)
	11. HCS for HBs 1524 & 2260, with SCS (Pearce)

### **INFORMAL CALENDAR**

#### **THIRD READING OF SENATE BILLS**

SCS for SB 631-Cunningham (In Fiscal Oversight)	SCS for SB 826-Griesheimer SB 1001-Griesheimer
--	---

## SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS  
 SB 587-Nodler and Cunningham, with  
   SCS & SA 1 (pending)  
 SB 596-Callahan, with SCS (pending)  
 SB 606-Stouffer  
 SBs 607, 602, 615 & 725-Stouffer, with  
   SCS & SA 1 (pending)  
 SB 639-Schmitt, with SCS & SS for SCS  
   (pending)  
 SB 643-Keaveny, with SCS, SS for SCS,  
   SA 1 & SA 1 to SA 1 (pending)  
 SB 698-Griesheimer, with SCS, SS for SCS  
   & SA 1 (pending)  
 SB 705-Griesheimer  
 SB 738-Crowell, with SCS  
 SB 747-Rupp, et al, with SA 1 (pending)  
 SB 784-Schaefer and Pearce  
 SB 792-Dempsey and Rupp, with SS (pending)  
 SB 797-Green  
 SB 810-Lager, with SCS  
 SB 818-Lembke, with SCS, SS for SCS  
   & SA 1 (pending)  
 SB 839-Wright-Jones, with SCS  
 SB 852-Lager, et al, with SS, SA 1 &  
   SSA 1 for SA 1 (pending)  
 SB 868-Shields  
 SB 878-Lembke, with SCS & SS for SCS  
   (pending)

SBs 880, 780 & 836-Schaefer, with SCS,  
   SS for SCS & SA 1 (pending)  
 SBs 895, 813, 911, 924, 922 & 802-Dempsey,  
   et al, with SCS, SS for SCS, SA 1,  
   SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1  
   (pending)  
 SB 896-Shields and Crowell, with SA 1  
   (pending)  
 SB 905-Bray, et al, with SCS & SS for SCS  
   (pending)  
 SB 999-Schaefer  
 SB 1016-Mayer, with SCS  
 SB 1017-Mayer, with SCS (pending)  
 SB 1060-Bartle, with SCS  
 SJR 22-Callahan  
 SJR 25-Cunningham, et al, with SCS, SS#2  
   for SCS & SA 5 (pending)  
 SJR 29-Purgason and Cunningham, with  
   SCS, SS#2 for SCS & SA 1 (pending)  
 SJR 31-Scott  
 SJR 33-Bartle, with SA 1 (pending)  
 SJR 34-Goodman, et al, with SA 1  
   (pending)  
 SJR 38-Ridgeway  
 SJR 40-Goodman, with SA 1 (pending)

## HOUSE BILLS ON THIRD READING

HCS for HB 1290, with SCS, SS#2 for SCS,  
   SA 14 & SA 1 to SA 14 (pending)  
   (Griesheimer)  
 HCS for HB 1400, with SCS (Stouffer)  
 HB 1424-Franz, with SCS (pending)  
   (McKenna)  
 HCS for HB 1446, with SCS (Pearce)

HCS for HB 1541, with SCS & SS for SCS  
   (pending) (Goodman)  
 HB 1609-Diehl, with SCS & SS#2 for SCS  
   (pending) (Bartle)  
 HB 1802-Gatschenberger, with SCS,  
   SS for SCS & SA 1 (pending) (Rupp)  
 HB 1842-Wilson (130) (Goodman)

HCS for HB 2048, with SCS (Lager)  
HB 2109-Ruzicka, with SCS & SS for SCS  
(pending) (Lager)  
SS for SCS for HB 2111-Faith, et al  
(Stouffer)

SS for SCS for HB 2205-Burlison (Rupp)  
(In Fiscal Oversight)  
HJR 62-McGhee, et al (Scott)  
HCS for HJR 86, with SCS & SS#4 for SCS  
(pending) (Stouffer)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 684-Rupp, with HCS, as amended  
SB 773-Dempsey, with HA 1

SCS for SB 815-Bartle, with HCS, as amended  
SB 848-Barnitz, with HCS#2, as amended

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SS for SCS for SB 605-Mayer, with HCS,  
as amended  
SCS for SB 616-Goodman, with  
HA 1, HA 2, HA 3 & HA 4  
SB 741-Griesheimer, with HCS, as amended  
SCS for SB 754-Dempsey, with HCS,  
as amended (Further conference granted)  
SCS for SB 778-Pearce, with HCS#2  
SB 791-Griesheimer, with HCS, as amended  
SB 795-Mayer and Nodler, with HCS,  
as amended  
SCS for SB 808-Callahan, with HCS,  
as amended  
SCS for SB 829-Schaefer, with HCS,  
as amended  
SCS for SBs 842, 799 & 809-Schmitt,  
with HCS, as amended  
SB 844-Shields, with HCS#2  
(Senate adopted CCR#3 and passed CCS#3)  
SB 981-Callahan, with HCS, as amended  
SS for SB 1007-Dempsey, with HCS,  
as amended

HB 1268-Meiners, with SS#2, as amended  
(Justus)  
HB 1442-Jones (89), et al, with SS for  
SCS, as amended (Nodler)  
(House adopted CCR and passed CCS)  
HCS#2 for HB 1543, with SS#2 for SCS,  
as amended (Pearce)  
HB 1677-Hoskins (80), with SCS (Days)  
HB 1691-Kraus, et al, with SA 1 & SA 2  
(Pearce)  
HCS#2 for HBs 1692, 1209, 1405,  
1499, 1535 & 1811, with SS for SCS,  
as amended (Cunningham)  
HB 1868-Scharnhorst, with SCS,  
as amended (Shields)  
HCS for HB 2070, with SA 1 (Schaefer)  
HB 2226, HB 1824, HB 1832 & HB 1990,  
with SCS, as amended (Scott)  
(House adopted CCR and passed CCS)  
HCS for HB 2297, with SCS, as amended  
(Wilson)  
(House adopted CCR and passed CCS)

## Requests to Recede or Grant Conference

HCS for HB 1977, with SA 1 & SA 2  
(Griesheimer)  
(House requests Senate  
recede & take up and pass bill)

## RESOLUTIONS

SCR 55-Nodler, with HCS

## Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer

HCS for HCRs 34 & 35 (Schmitt)  
SR 1744-Shields  
SCR 57-Ridgeway

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SEVENTIETH DAY—FRIDAY, MAY 14, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“(I am the Lord:) I will grant peace in the land and you shall lie down and no one shall make you afraid.” (Leviticus 26:6)

Blessed Lord, the hours are numbered and will count down quickly and then the tensions and anxiety of this session and this day will end. But before the final gavel is struck we have many bills before us and work that we want to accomplish. So sustain us and walk with us and bless our efforts so we may yet produce effective and wholesome legislation. Then bring us peace of mind and body and may our spirits soar with You our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Shoemyer offered Senate Resolution No. 2534, regarding Linda J. Gray, Memphis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2535, regarding the First Place Kirksville High School Academic Competition Team, which was adopted.

Senator Goodman offered Senate Resolution No. 2536, regarding William Lynch, which was adopted.

Senator Schaefer offered Senate Resolution No. 2537, regarding Dr. Arden Boyer-Stephens, Columbia, which was adopted.

Senator Crowell offered Senate Resolution No. 2538, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Albert Beussink, Jackson, which was adopted.

Senator Bray offered Senate Resolution No. 2539, regarding Denice C. Mitchell, St. Louis, which was adopted.

Senator Engler announced that photographers from the Associated Press, KRCG-TV and the Joplin Globe were given permission to take pictures in the Senate Chamber today.

Senator Lager assumed the Chair.

**PRIVILEGED MOTIONS**

Senator Dempsey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 1007**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE BILL NO. 1007

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 1007, with House Amendment Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 1007, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Bill No. 1007;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1007, be Third Read and Finally Passed.

**FOR THE SENATE:**

/s/ Tom Dempsey  
/s/ Eric S. Schmitt  
/s/ Jason Crowell  
/s/ Jolie Justus  
/s/ Victor E. Callahan

**FOR THE HOUSE:**

/s/ Wayne Cooper  
/s/ David Sater  
/s/ Ellen Brandom  
/s/ Rebecca McClanahan  
/s/ Tishaura Jones

Senator Dempsey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Pearce	Purgason	Shoemyer—3
--------	----------	------------

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dempsey, **CCS for HCS for SS for SB 1007**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE BILL NO. 1007

An Act to repeal sections 172.850, 199.010, 199.200, 199.210, 199.230, 199.240, 199.250, 199.260, 208.010, 208.215, 208.453, 208.895, 208.909, 208.918, 660.300, 660.425, and 660.465, RSMo, and to enact in lieu thereof twenty new sections relating to public assistance programs administered by the state, with penalty provisions for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators

Pearce	Purgason—2
--------	------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Engler announced that photographers from the Warrensburg Daily Star-Journal were given permission to take pictures in the Senate Chamber today.

Senator Schmitt, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SBs 842, 799 and 809**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NOS. 842, 799 & 809

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 to House Amendment No. 2, House Amendment No. 4 to House Amendment No. 2, House Amendment No. 2, as amended, and House Amendment Nos. 3, 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, be Third Read and Finally Passed.

**FOR THE SENATE:**

/s/ Eric S. Schmitt  
/s/ Jason Crowell  
/s/ Tom Dempsey  
/s/ Victor E. Callahan  
/s/ Jolie Justus

**FOR THE HOUSE:**

/s/ Rick Stream  
/s/ David Sater  
/s/ Tim Jones  
/s/ Rebecca McClanahan  
/s/ Tom McDonald

Senator Schmitt moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schmitt, **CCS** for **HCS** for **SCS** for **SBs 842, 799 and 809**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NOS. 842, 799 & 809

An Act to repeal sections 208.010, 208.215, 208.453, 208.895, 208.909, 208.918, 660.300, 660.425, 660.430, 660.435, 660.445, 660.455, 660.460, and 660.465, RSMo, and to enact in lieu thereof sixteen new sections relating to public assistance programs administered by the state, with penalty provisions, and an expiration date for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Purgason                Ridgeway—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

On motion of Senator Engler, the Senate recessed until 11:00 a.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

Senator Engler announced that photographers from KCTV, Missouri Lawyers Media and KOLR-TV were given permission to take pictures in the Senate Chamber today.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **HB 2070**, as amended, and has taken up and passed **CCS** for **HCS** for **HB 2070**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, as amended, and has taken up and passed **CCS** for **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**.

Emergency clause adopted.

**PRIVILEGED MOTIONS**

Senator Wilson, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2297**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2297

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 2297;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, be Third Read and Finally Passed.

**FOR THE HOUSE:**

/s/ Anne Zerr  
/s/ Jerry Nolte  
/s/ Maynard Wallace  
/s/ Jacob Hummel  
/s/ Paul LeVota

**FOR THE SENATE:**

/s/ Yvonne S. Wilson  
/s/ Joseph P. Keaveny  
/s/ Charlie Shields  
/s/ David Pearce  
/s/ Carl M. Vogel

Senator Wilson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz      Bartle      Callahan      Champion      Clemens      Crowell      Cunningham      Days

Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Bray—1

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

Senator Wilson moved that **CCS** for **SCS** for **HCS** for **HB 2297**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2297

An Act to amend chapter 184, RSMo, by adding thereto five new sections relating to the establishment of the Kansas City zoological district.

Be taken up for 3rd reading and final passage.

At the request of Senator Wilson, the above motion was withdrawn.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 1442**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1442

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 1442, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1442, as amended;
2. That the House recede from its position on House Bill No. 1442;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 1442, be Third Read and Finally Passed.

FOR THE HOUSE:  
/s/ Tim Jones  
/s/ Shane Schoeller

FOR THE SENATE:  
/s/ Gary Nodler  
/s/ Jason G. Crowell

/s/ David Day  
 /s/ Trent Skaggs  
 /s/ Jeff Roorda

/s/ John E. Griesheimer  
 /s/ Timothy Green  
 /s/ Victor E. Callahan

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SS** for **SCS** for **HB 1442**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 SENATE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NO. 1442

An Act to repeal sections 67.1000, 67.1360, 67.1361, 67.2000, 70.220, 94.510, 94.577, 94.900, 94.902, 138.431, and 144.030, RSMo, and to enact in lieu thereof nineteen new sections relating to taxes, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Goodman—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 1473**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 2201**, with **SCS**, entitled:

An Act to repeal sections 443.701, 443.703, 443.731, and 443.849, RSMo, and to enact in lieu thereof five new sections relating to the Missouri secure and fair enforcement residential mortgage licensing act, with an emergency clause.

Was taken up by Senator Schaefer.

Senator Griesheimer assumed the Chair.

**SCS** for **HCS** for **HB 2201**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2201

An Act to repeal sections 443.701 and 443.703, RSMo, and to enact in lieu thereof three new sections relating to the Missouri secure and fair enforcement residential mortgage licensing act, with an emergency clause.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 2201** be adopted.

Senator Schaefer offered **SS** for **SCS** for **HCS** for **HB 2201**, entitled:



SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2201

An Act to repeal sections 443.701, 443.703, 443.805, and 475.190, RSMo, and to enact in lieu thereof four new sections relating to financial institutions, with an emergency clause for certain sections.

Senator Schaefer moved that **SS** for **SCS** for **HCS** for **HB 2201** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SCS** for **HCS** for **HB 2201** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**HCS for HBs 1524 and 2260, with SCS, entitled:**

An Act to repeal sections 34.074, 41.030, 41.216, 41.470, 41.480, 41.500, 41.560, 115.279, 115.281, 115.287, 115.291, 115.292, 160.545, 194.119, 447.503, and 447.559, RSMo, and to enact in lieu thereof thirty new sections relating to military forces, with an emergency clause for certain sections.

Was taken up by Senator Pearce.

**SCS for HCS for HBs 1524 and 2260, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NOS. 1524 and 2260

An Act to repeal sections 41.030, 41.216, 41.560, 115.279, 115.281, 115.287, 115.291, 115.292, 143.1004, 160.545, 194.119, 447.503, and 447.559, RSMo, and to enact in lieu thereof twenty-seven new sections relating to military forces, with an emergency clause for certain sections.

Was taken up.

Senator Pearce moved that **SCS for HCS for HBs 1524 and 2260** be adopted.

Senator Cunningham offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1524 and 2260, Page 1, Section A, Line 7, by inserting after all of said line the following:

“34.074. 1. As used in this section, the term “service-disabled veteran” means any individual who is disabled as certified by the appropriate federal agency responsible for the administration of veterans’ affairs.

2. As used in this section, the term “service-disabled veteran business” means a business concern:

(1) Not less than fifty-one percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than fifty-one percent of the stock of which is owned by one or more service-disabled veterans; and

(2) The management and daily business operations of which are controlled by one or more service-disabled veterans.

3. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give **a three-point bonus** preference to **service**-disabled veteran businesses doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business[, when the quality of performance promised is equal or better and the price quoted is the same or less. The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable].

4. In implementing the provisions of subsection 3 of this section, the following shall apply:

(1) The commissioner of administration shall have the goal of three percent of all such contracts described in subsection 3 of this section to be let to such veterans;

(2) If no **or an insufficient number of** such veterans doing business in this state [meet the quality of performance and price standards required in subsection 3 of this section] **submit a bid or proposal for a contract let by an agency, department, institution, or other entity of the state or a political**

**subdivision**, such [preference] **goal** shall not be required **and the provisions of subdivision (1) of this subsection shall not apply**;

**(3) The commissioner of administration may promulgate rules in order to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or disapprove and annul a rule subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Pearce moved that **SCS** for **HCS** for **HBs 1524** and **2260**, as amended, be adopted, which motion prevailed.

Senator Pearce moved that **SCS** for **HCS** for **HBs 1524** and **2260**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SCS** for **HCS** for **HBs 1524** and **2260**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

### **PRIVILEGED MOTIONS**

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 795**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### **CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 795**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 795, with House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment Nos. 5, 6, and House Substitute Amendment No. 1 for House Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 795, as amended;
2. The Senate recede from its position on Senate Bill No. 795;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 795, be Third Read and Finally Passed.

**FOR THE SENATE:**

/s/ Robert Mayer  
/s/ Dan Clemens

**FOR THE HOUSE:**

/s/ Tom Loehner  
/s/ Charlie Schlottach

Chuck Purgason  
/s/ Frank A. Barnitz  
/s/ Wes Shoemyer

/s/ Brian Munzlinger  
/s/ Belinda Harris  
/s/ Tom Shively

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Bartle	Justus	Keaveny	Lembke	Purgason	Schaefer—6
--------	--------	---------	--------	----------	------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **HCS** for **SB 795**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 795

An Act to repeal sections 196.316, 266.355, 270.260, 270.400, 273.327, 273.329, 274.180, 281.260, 311.550, 319.306, 319.321, 393.1025, and 393.1030, RSMo, and to enact in lieu thereof thirty new sections relating to animals and agriculture, with penalty provisions, and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Lager	Mayer	McKenna	Nodler
Pearce	Ridgeway	Rupp	Schmitt	Scott	Shields	Shoemyer	Stouffer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Bartle	Cunningham	Justus	Keaveny	Lembke	Purgason	Schaefer—7
--------	------------	--------	---------	--------	----------	------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Bartle	Cunningham	Justus	Keaveny	Purgason	Schaefer—6
--------	------------	--------	---------	----------	------------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Engler announced that photographers from KMOV-TV and the St. Louis Post Dispatch were given permission to take pictures in the Senate Chamber today.

Senator Dempsey moved that **SB 773**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Pearce assumed the Chair.

Senator Dempsey moved that the above amendment be adopted.

President Pro Tem Shields assumed the Chair.

At the request of Senator Dempsey, the motion to adopt **HA 1** was withdrawn.

Senator Pearce assumed the Chair.

On motion of Senator Engler, the Senate recessed until 3:30 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Shields.

Senator Engler announced that photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

## REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **HCS** for **HBs 1524** and **2260**, begs leave to report that it has considered the same and recommends that the bill do pass.

## PRIVILEGED MOTIONS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990** moved that the following conference committee report be taken up, which motion prevailed.

### CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2226, HOUSE BILL NO. 1824, HOUSE BILL NO. 1832, AND HOUSE BILL NO. 1990

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832, and House Bill No. 1990, with Senate Amendment Nos. 1, 2, 3, 6, 7, 11, 12, and 14, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832, and House Bill No. 1990, as amended;
2. That the House recede from its position on House Bill No. 2226, House Bill No. 1824, House Bill No. 1832, and House Bill No. 1990;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832, and House Bill No. 1990, be Third Read and Finally Passed.

#### FOR THE HOUSE:

/s/ Jay Wasson  
/s/ David Day  
/s/ Donald Wells  
/s/ Jeff Roorda  
/s/ Charlie Norr

#### FOR THE SENATE:

/s/ Delbert L. Scott  
/s/ Jane Cunningham  
/s/ Robert Mayer  
/s/ Joseph P. Keaveny  
/s/ Ryan McKenna

Senator Bartle assumed the Chair.

Senator Scott moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager

Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, **CCS** for **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2226  
HOUSE BILL NO. 1824  
HOUSE BILL NO. 1832 AND  
HOUSE BILL NO. 1990

An Act to repeal sections 208.215, 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550, 324.1100, 324.1110, 324.1112, 324.1114, 324.1124, 324.1126, 324.1128, 324.1132, 324.1134, 324.1136, 324.1140, 327.031, 327.041, 327.351, 327.411, 332.011, 334.100, 334.506, 334.613, 334.735, 335.081, 337.528, 337.600, 337.603, 337.615, 337.618, 337.643, 337.700, 337.703, 337.706, 337.715, 337.718, 337.727, 337.739, 338.333, 338.335, 338.337, 344.010, 344.020, 383.130, and 383.133, RSMo, and section 324.1102 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and to enact in lieu thereof eighty-one new sections relating to the regulation of certain professions, with penalty provisions for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager

Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1868**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 1868**.

Emergency clause defeated.

### PRIVILEGED MOTIONS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1868**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

### CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1868

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1868, with Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, Senate Amendment Nos. 2, 3, 5, 6, 7, 8, 9, Senate Amendment No. 1 to Senate Amendment No. 10, Senate Amendment No. 10, as amended, and Senate Amendment No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1868, as amended;
2. That the House recede from its position on House Bill No. 1868;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill



No. 1868, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Dwight Scharnhorst  
 /s/ Mark Bruns  
 /s/ Denny Hoskins  
 /s/ Jeff Roorda  
 /s/ Hope Whitehead

FOR THE SENATE:

Charles W. Shields  
 /s/ Kurt U. Schaefer  
 /s/ Jason Crowell  
 /s/ Joan Bray  
 /s/ Timothy P. Green

Senator Shields moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senator Purgason—1

Absent—Senators

Champion Engler Mayer—3

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shields, **CCS** for **SCS** for **HB 1868**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NO. 1868

An Act to repeal sections 36.031, 36.050, 36.060, 36.150, 36.280, 36.370, 36.380, 36.390, 36.400, 37.320, 43.040, 43.050, 58.445, 105.055, 109.250, 208.215, 301.716, 306.010, 306.161, 306.163, 306.165, 306.167, 306.168, 306.185, 306.227, 306.228, 306.229, 306.230, 306.232, 542.261, 544.157, 577.090, 621.015, 630.060, and 650.005, RSMo, and to enact in lieu thereof thirty-seven new sections relating to duties of agencies and officials operating within the executive branch, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Goodman	Green	Griesheimer	Justus	Keaveny	Lembke
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senator Purgason—1

Absent—Senators

Engler Lager Mayer—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Goodman moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

Senator Pearce moved that **SCS** for **HCS** for **HBs 1524** and **2260**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HBs 1524** and **2260**, as amended was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the House on **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR HOUSE BILL NO. 1543

The Conference Committee appointed on Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, with Senate Amendment No. 1, Senate Amendment No. 4, and Senate Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, as amended;
2. That the House recede from its position on House Committee Substitute No. 2 for House Bill No. 1543;
3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, be Third Read and Finally Passed.

FOR THE HOUSE:  
/s/ Maynard Wallace  
/s/ Rodney Schad  
/s/ Rick Stream  
/s/ Sara Lampe  
/s/ Rachel L. Bringer

FOR THE SENATE:  
/s/ David Pearce  
/s/ Charlie Shields  
/s/ Scott T. Rupp  
/s/ Rita Heard Days  
/s/ Yvonne S. Wilson

Senator Pearce moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp

Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, **CCS** for **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NO. 1543

An Act to repeal sections 160.261, 160.775, 161.209, 161.650, 167.029, 167.117, 167.621, 167.624, 167.627, 167.630, 168.221, 168.500, 168.515, and 178.697, RSMo, and to enact in lieu thereof sixteen new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer

Schmitt                  Scott                  Shields                  Shoemyer                  Stouffer                  Vogel                  Wilson                  Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green                  Ridgeway—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Callahan moved that the conference be dissolved on **HCS** for **SCS** for **SB 808**, as amended, and the Senate request the House to recede from its position and take up and pass **SCS** for **SB 808**, which motion prevailed.

Senator Callahan moved that the conference be dissolved on **HCS** for **SB 981**, as amended, and the Senate request the House to recede from its position and take up and pass **SB 981**, which motion prevailed.

Senator Dempsey moved that **SB 773**, with **HA 1**, be again taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was again taken up.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Green	Griesheimer	Justus	Keaveny	Mayer	McKenna	Pearce	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shoemyer	Vogel	Wilson	Wright-Jones—24

NAYS—Senators

Barnitz	Bartle	Crowell	Goodman	Lager	Lembke	Nodler	Purgason
---------	--------	---------	---------	-------	--------	--------	----------

Stouffer—9

Absent—Senator Shields—1

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Dempsey, the motion for 3rd reading and final passage was withdrawn.

Senator Dempsey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 754**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 754

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, and House Substitute Amendment No. 1 for House Amendment No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 754;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Tom Dempsey  
/s/ Delbert Scott  
/s/ David Pearce  
/s/ Jolie Justus  
/s/ Victor E. Callahan

FOR THE HOUSE:

/s/ David Day  
/s/ Don Wells  
/s/ Jay Wasson  
/s/ Curt Dougherty  
/s/ Steve Webb

Senator Dempsey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Lembke—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dempsey, **CCS No. 2** for **HCS** for **SCS** for **SB 754**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 754

An Act to repeal sections 193.145, 193.265, 195.080, 208.010, 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550, 301.142, 334.735, 337.528, 338.100, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 344.010, and 344.020, RSMo, and to enact in lieu thereof fifty-two new sections relating to the licensing of certain professions, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Lembke—1

Absent—Senators

Engler          Shields—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dempsey, title to the bill was agreed to.

Senator Dempsey moved that the vote by which the bill passed be reconsidered.

Senator Goodman moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

Senator Lager moved that **HB 2109**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Lager, **HB 2109**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

### PRIVILEGED MOTIONS

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **HB 2070**, with **SA 1**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2070

The Conference Committee appointed on House Committee Substitute for House Bill No. 2070, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for House Bill No. 2070, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 2070;
3. That the attached Conference Committee Substitute for House Committee Substitute for House Bill No. 2070, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Chris Kelly  
/s/ Mark Bruns  
/s/ Steve Hobbs  
/s/ Jay Wasson  
/s/ Paul Quinn

FOR THE SENATE:

/s/ Kurt U. Schaefer  
/s/ James W. Lembke  
/s/ David Pearce  
/s/ Joan Bray  
/s/ Wes Shoemyer

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, **CCS** for **HCS** for **HB 2070**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2070

An Act to repeal sections 321.243 and 650.399, RSMo, and to enact in lieu thereof two new sections relating to taxes for joint central fire and emergency dispatching services.

Was read the 3rd time and passed by the following vote:



## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

## NAYS—Senators—None

## Absent—Senators

Engler	Shields—2
--------	-----------

## Absent with leave—Senators—None

## Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Goodman moved that motion lay on the table, which motion prevailed.

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 791**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 791

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 791, with House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 3 and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 791, as amended;
2. The Senate recede from its position on Senate Bill No. 791;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 791, be Third Read and Finally Passed.

## FOR THE SENATE:

/s/ John E. Griesheimer  
/s/ Brad Lager  
/s/ Tom Dempsey  
Joan Bray  
/s/ Victor E. Callahan

## FOR THE HOUSE:

/s/ Ed Emery  
/s/ Darrell Pollock  
/s/ Jeannie Riddle  
/s/ Gina Walsh  
/s/ Jake Zimmerman

Senator Griesheimer moved that the above conference committee report be adopted, which motion

prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Shields—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **HCS** for **SB 791**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 791

An Act to repeal sections 204.300, 204.472, 204.571, and 250.233, RSMo, and to enact in lieu thereof five new sections relating to utilities.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Shields—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the House on **HCS No. 2** for **SCS** for **SB 778** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 778

The Conference Committee appointed on House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 778, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 778;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 778;
3. That the attached Conference Committee Substitute for House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 778, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce  
/s/ Jason Crowell  
/s/ John E. Griesheimer  
/s/ Jolie Justus  
/s/ Joseph P. Keaveny

FOR THE HOUSE:

/s/ Mike McGhee  
/s/ Kenny Jones  
Scott Largent  
/s/ Paul Quinn  
/s/ Tom Todd

Senator Pearce moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Shields—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, **CCS** for **HCS No. 2** for **SCS** for **SB 778**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 778

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof thirteen new sections relating to properties and the conveyance thereof, with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**CONCURRENT RESOLUTIONS**

Senator Nodler moved that **SCR 55**, with **HCS**, be taken up for adoption, which motion prevailed.  
**HCS** for **SCR 55** was taken up.

Senator Nodler moved that **HCS** for **SCR 55** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCR 55**, as amended by **HCS**, was adopted by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

## NAYS—Senators—None

## Absent—Senators—None

## Absent with leave—Senators—None

## Vacancies—None

President Pro Tem Shields assumed the Chair.

**PRIVILEGED MOTIONS**

Senator Wilson moved that **CCS** for **HCS** for **HB 2297** be again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Wilson, **CCS** for **HCS** for **HB 2297**, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Days	Dempsey	Engler	Goodman
Green	Griesheimer	Justus	Keaveny	Lager	Mayer	McKenna	Pearce
Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer
Vogel	Wilson	Wright-Jones—27					

## NAYS—Senators

Bartle	Bray	Crowell	Cunningham	Lembke	Nodler	Purgason—7
--------	------	---------	------------	--------	--------	------------

## Absent—Senators—None

## Absent with leave—Senators—None

## Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Wilson, title to the bill was agreed to.

Senator Wilson moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer moved that the Senate recede from its position on **SA 1** to **HCS** for **HB 1977**, which motion prevailed.

Senator Griesheimer moved that the Senate recede from its position on **SA 2** to **HCS** for **HB 1977**, which motion prevailed.

On motion of Senator Griesheimer, **HCS** for **HB 1977** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1375** and has taken up and passed **SCS** for **HCS** for **HB 1375**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **HCS** for **HB 1893** and has taken up and passed **SS No. 2** for **HCS** for **HB 1893**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 2285**, as amended, and has taken up and passed **SCS** for **HB 2285**, as amended.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCR 46** and has taken up and passed **HCR 46**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 2058** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 2058**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has dissolved the Conference Committee on **SS** for **SCS** for **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, as amended, and has adopted **SS** for **SCS** for **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, as amended, and has taken up and passed **SS** for **SCS** for **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 795**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 795**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCS** for **HBs 2262** and **2264** and has taken up and passed **HCS** for **HBs 2262** and **2264**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCS No. 2** for **HB 1472** and has taken up and passed **HCS No. 2** for **HB 1472**, as amended.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1516** and has taken up and passed **SCS** for **HCS** for **HB 1516**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HBs 1695, 1742** and **1674**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HBs 1695, 1742** and **1674**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1392** and has taken up and passed **SCS** for **HB 1392**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1892** and has taken up and passed **SCS** for **HB 1892**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1831** and has taken up and passed **SCS** for **HB 1831**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 1848** and has taken up and passed **SS** for **HCS** for **HB 1848**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCR 38** and has taken up and passed **HCR 38**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1858** and has taken up and passed **SCS** for **HCS** for **HB 1858**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** and **SA 2** to **HB 1894** and has taken up and passed **HB 1894**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1444** and has taken up and passed **SCS** for **HB 1444**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1903** and has taken up and passed **SCS** for **HCS** for **HB 1903**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 793**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 884**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 3 on **HCS No. 2** for **SB 844** and has taken up and passed **CCS No. 3** for **HCS No. 2** for **SB 844**.

Bill ordered enrolled.



Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SBs 842, 799 and 809**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SBs 842, 799 and 809**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 1007**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 1007**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HCS** for **SCS** for **SB 808**, as amended, and has taken up and passed **SCS** for **SB 808**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HCS** for **SB 981**, as amended, and has taken up and passed **SB 981**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 754**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 754**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 791**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 791**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HBs 1524 and 2260**, as amended, and has taken up and passed **SCS** for **HCS** for **HBs 1524 and 2260**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 2201**, and has taken up and passed **SS** for **SCS** for **HCS** for **HB 2201**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 79**.

HOUSE CONCURRENT RESOLUTION NO. 79

Whereas, the F/A-18E/F Block II Super Hornet is the Navy's next generation carrier-based strike fighter with advanced air-to-ground and air-to-air operational capabilities, and will be the backbone of the fleet for the next 25 years; and

Whereas, the Department of Navy testified to a strike fighter shortfall of over 240 aircraft by 2016, which poses a significant operational risk by diminishing deterrent capabilities and limiting surge capability to respond to a crisis; and

Whereas, aging F/A-18A-D aircraft are being used far beyond their original design life limits; and

Whereas, any additional delay in F-35C initial operational capability (IOC) will significantly increase the strike fighter shortfall; and

Whereas, both FY2010 defense authorization and appropriations bills authorized the Navy to enter into a multi-year procurement (MYP) contract to buy additional F/A-18 E/F Block II Super Hornets to mitigate the TACAIR shortfall; and

Whereas, F/A-18A-D Hornets and F/A-18E/F Super Hornets currently fly 30% of all TACAIR sorties and 50% of all CENTCOM Close Air Support missions; and

Whereas, 100% of the Super Hornets have been delivered on time and at cost; and

Whereas, reliability and low operating costs for the F/A-18E/F have generated 20% in savings versus F/A-18A-D aircraft; and

Whereas, current F/A-18E/F Super Hornet Program of Record production line ends in FY2013 without additional aircraft procurement; and

Whereas, shutting down the production line results in loss of industrial base and limits the domestic strike fighter market to only a single manufacturer; and

Whereas, the F/A-18E/F Super Hornet Program supports 23,426 direct and indirect jobs with 191 companies across the State of Missouri and has an estimated one billion dollars of total economic impact in Missouri:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby support procurement of the F/A-18E/F Block II Super Hornet under a multi-year contract as a highly capable, low risk, and affordable mitigation to the Navy's TACAIR shortfall; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 77**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 77

Relating to the filing of a Missouri legal challenge to the constitutionality of federal health care legislation.

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, attorneys general from 13 states - Florida, South Dakota, South Carolina, Nebraska, Louisiana, Texas, Alabama, Utah, Colorado, Pennsylvania, Washington, Idaho, and Michigan - sued the federal government on March 23, 2010, claiming the landmark health care overhaul bill is unconstitutional; and

Whereas, a 14th state, Virginia, did not join the larger lawsuit, but has filed its own lawsuit challenging the federal legislation; and

Whereas, the lawsuit filed by 13 attorneys general includes and asserts:

- (1) A Commerce Clause claim;
- (2) A Tenth Amendment sovereignty violation for forcing states, among other things, to expand Medicaid coverage;
- (3) A direct tax violation for the one-size-fits all penalty if a person fails to purchase health insurance; and
- (4) A violation of Article 4, Section 4 of the United States Constitution because “the Act deprives [the States] of ... their right to a republican form of government”; and

Whereas, Virginia and Idaho have passed legislation aimed at blocking the legislation’s insurance requirement from taking effect; and

Whereas, under the federal legislation, beginning in 2014, most Americans will be required to carry health insurance, either through an employer or government program or by purchasing it themselves. Those Americans who refuse to carry such health insurance will face penalties from the Internal Revenue Service; and

Whereas, the lawsuit asks the bill be declared unconstitutional because “the Constitution nowhere authorizes the United States to mandate, either directly or under threat of penalty, that all citizens and legal residents have qualifying health care coverage”; and

Whereas, the lawsuit also claims the health care legislation violates the Tenth Amendment of the United States Constitution, which says the federal government has no authority beyond the powers granted to it under the Constitution, by forcing the states to carry out its provisions but not reimbursing them for the costs; and

Whereas, the lawsuit also asserts that the states cannot afford the new law because the health care legislation will add millions of people to state Medicaid rolls, costing some states more than one billion dollars over the next ten years in increased Medicaid expenditures; and

Whereas, according to an attorney representing the 13 attorneys general joining in the lawsuit, those state attorneys general “are convinced that the federal health care legislation is fundamentally flawed as a matter of constitutional law, that it exceeds the scope of proper constitutional authority of the federal government and tramples upon the rights and prerogatives of states and their citizens”; and

Whereas, according to the National Conference of State Legislatures, at least 36 states are attempting to limit, alter, or oppose some of the federal legislation’s provisions through state constitutional amendments or laws, with many of the proposals seeking to keep health insurance coverage optional for individuals and exempt employers from penalties if they don’t offer coverage for workers:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby call on Missouri Attorney General Chris Koster to file an independent lawsuit or join the 13 other state attorneys general from across the nation in challenging the constitutionality and validity of the Patient Protection and Affordable Care Act, the federal health care legislation; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 67**.

#### HOUSE CONCURRENT RESOLUTION NO. 67

Whereas, bicycling and walking are essential to millions of Missourians as basic transportation and enjoyed by millions of Missourians as healthful recreation; and

Whereas, encouraging and promoting a complete network of safe bicycle and pedestrian ways and routes is essential for those Missourians who rely on bicycling and walking for transportation; and

Whereas, a safe and complete bicycle and pedestrian system is important for Missouri’s economy and economic development; and

Whereas, incorporating bicycle and pedestrian accommodations as a routine part of Missouri’s road and street network is the most cost-effective way to make opportunities for safe walking and bicycling available to all Missourians and to enable those who bicycle and walk to reach all needed destinations; and

Whereas, walking and bicycling improve the public health and reduce treatment costs for conditions associated with reduced physical activity, including obesity, heart disease, lung disease, and diabetes; and

Whereas, the United Health Foundation estimates direct medical costs associated with physical inactivity in Missouri at \$1.9 billion in 2008, and projects an annual cost for Missouri of over \$8 billion per year by 2018 if current trends continue; and

Whereas, the annual per capita cost of obesity is \$450 per Missourian, the highest per capita cost of any state in the United States; and

Whereas, designing our communities, our neighborhoods, our commercial centers, and our employment centers to be safe and inviting for bicycling and walking is a proven and recommended solution for increasing citizens' physical activity levels, improving physical fitness, reducing obesity, improving overall health, and so reducing health care and economic costs related to obesity and poor physical fitness; and

Whereas, promoting bicycling and walking for transportation improves Missouri's environment, reduces congestion, reduces the need for expensive expansion of our road and highway systems, and reduces our dependence on foreign energy supplies; and

Whereas, creating communities that invite and encourage bicycling and walking builds strong neighborhoods and encourages healthy, stable, safe, and livable communities; and

Whereas, creating healthy, walkable, bicyclable, and livable communities helps keep Missouri competitive in the global competition for high quality businesses and motivated, creative workers who consider transportation and recreation options an essential part of a healthy community; and

Whereas, Missourians who reach retirement age choose more often to bicycle and walk for fitness, recreation, enjoyment, and transportation; and

Whereas, citizens with disabilities often rely on bicycling, walking, and transit to meet basic transportation needs and to make connections with the transit system, face great obstacles within our current transportation system, and benefit greatly from complete and well-designed accommodations for bicycling and walking; and

Whereas, all transit users depend on bicycling and walking for essential transportation, and young people who develop stamina and fitness through regular active transportation reap important benefits in their physical, social, emotional, and intellectual development; and

Whereas, the number of Missouri students who bicycle and walk to school has dropped dramatically over the past forty years, with 50% of students bicycling or walking in 1975 but only 15% in 2005. In the same period, the percentage of children clinically defined as overweight has increased from 8% to 25%; and

Whereas, not only the health and physical fitness but also the mental health and overall independence and maturity of school-age children has suffered as a result of fewer children bicycling and walking regularly, and the conditions of our roads, streets, sidewalks, and intersections in failing to provide safe accommodations for bicycling and walking is in large part responsible for this change; and

Whereas, a lack of physical activity plays a leading role in rising rates of obesity, diabetes, and other health problems among children, and being able to bicycle or walk to school offers an opportunity to build healthy activity into the daily routine; and

Whereas, the Institute of Medicine reports that increasing opportunities for regular physical activity and supporting the efforts of families to incorporate physical activity into their lives are important strategies for reversing the childhood obesity epidemic; and

Whereas, 20-25% of morning rush hour traffic is attributable to parents driving their children to school; and

Whereas, over fifty Missouri organizations, agencies, schools, officials, and individuals have joined together to form the Missouri Safe Routes to School Network to encourage more children to safely bicycle and walk to school and to make streets, sidewalks, and communities safer and more inviting to children and families to bicycle and walk; and

Whereas, the usual and customary users of Missouri's roads, highways, and bridges include pedestrians, bicyclists, and transit passengers of all ages and abilities, as well as drivers and passengers of trucks, buses, and automobiles; and

Whereas, the term "Complete Streets" means creating roads, streets, and communities where all road users can feel safe, secure, and welcome on our roads and streets and throughout our communities; and

Whereas, the principles of Complete Streets are designed to create a transportation network that meets the needs of all users of the state's transportation system: pedestrians of all ages and abilities, bicyclists, disabled persons, public transportation vehicles and patrons, and those who travel in trucks, buses, and automobiles; and

Whereas, the terms "livable streets" and "comprehensive street design" are also used to identify these same concepts; and

Whereas, coordination and cooperation among many different agencies and municipalities is required to fully implement Complete Streets and create a complete, connected, and safe transportation network for bicycling and walking; and

Whereas, Complete Streets' policies require transportation planners and engineers to engage with a wide range of communities and stakeholders, build projects that meet the needs of all users of our transportation system, and design roads and bridges that complement and complete our communities and the human environment; and

Whereas, Complete Streets' policies enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods in rural, urban, and suburban areas; and

Whereas, Complete Streets' policies develop safe, reliable, and economic transportation choices to decrease household transportation costs, improve air quality, and promote public health; and

Whereas, Complete Streets policies are those that:

(1) Ensure that transportation projects provide for the needs of drivers, public transportation vehicles and patrons, bicyclists, and pedestrians of all ages and abilities in all planning, programming, design, construction, reconstruction, retrofit, operations, and maintenance activities and products;

(2) Provide for safety and contiguous routes for all road users;

(3) Ensure that bicycle ways and pedestrian ways, including sidewalks, crosswalks, paths, bicycle lanes, shoulders, shared use lanes, and all other facilities necessary for safe accommodation of bicycling and walking, shall be given full consideration in the planning, development, construction, and maintenance of transportation facilities;

(4) Reaffirm that pedestrians, disabled persons, bicyclists, users of public transit, and other nonmotorized users of public roadways are among the customary users of public roads and highways, except where specifically prohibited by law or regulation;

(5) Encourage the cooperation and coordination among agencies and municipalities to create safe, complete, integrated, and seamless system of routes for these users across borders and jurisdictions;

(6) Support routine and appropriate accommodation for bicyclists, pedestrians, disabled persons, and transit users on all transportation projects, as appropriate to the context, community, and project use, except:

(a) Where bicycling and walking are not allowed;

(b) Where sparsity of population or other factors indicate an absence of any need for such accommodations now or in the future;

(c) Where the cost of establishing such accommodations would be excessively disproportionate to the need or probable use;

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby declare our support for Complete Streets policies and urge their adoption at the local, metropolitan, regional, state, and national levels; and

Be it further resolved that the General Assembly encourages and urges the United States Department of Transportation, the Missouri Department of Transportation, the governing bodies of metropolitan planning organizations and regional planning commissions, municipalities, and other organizations and agencies that build, control, maintain, or fund roads, highways, and bridges in Missouri to adopt Complete Streets' policies and to plan, design, build, and maintain their road and street system to provide complete, safe access to all road users; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon; Ray LaHood, Secretary of the United States Department of Transportation; members of the Missouri Highways and Transportation Commission; Pete Rahn, Director of the Missouri Department of Transportation; the directors of each metropolitan planning agency and regional planning commission in the State of Missouri; and to the Missouri Municipal League.

Senator Engler announced that Brenda Shields was given permission to take pictures in the Senate Chamber today.

## **RESOLUTIONS**

Senator Engler offered Senate Resolution No. 2540, regarding Tammy D. King, Bonne Terre, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Jerry D. Kennett, M.D., Columbia.

On motion of Senator Engler, the Senate adjourned until 11:00 a.m., Tuesday, May 25, 2010.

# Journal of the Senate

SECOND REGULAR SESSION

---

SEVENTY-FIRST DAY—TUESDAY, MAY 25, 2010

---

The Senate met pursuant to adjournment.

President Pro Tem Shields in the Chair.

## REPORTS OF STANDING COMMITTEES

On behalf of Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Shields submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS for SB 578; HCS for SCS for SB 583; HCS for SS for SCS for SBs 586 and 617; SS for SCS for SB 588; SCS for SB 630; SCS for SB 644; SB 649; CCS for HCS for SCS for SB 733; HCS for SB 739; SB 753; CCS No. 2 for HCS for SCS for SB 754; SB 758; SB 771; SCS for SB 772; SCS for SB 774; HCS for SCS for SB 777; CCS for HCS for SB 791; SS for SCS for SB 793; CCS for HCS for SB 795; SCS for SB 808; SCS for SB 834; CCS for HCS for SCS for SBs 842, 799 and 809; CCS No. 3 for HCS No. 2 for SB 844; HCS for SB 851; SS for SCS for SB 884; HCS for SB 940; HCS for SCS for SB 942; SB 981; SS for SB 984; SB 987; and CCS for HCS for SS for SB 1007**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

## SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS for SB 578; HCS for SCS for SB 583; HCS for SS for SCS for SBs 586 and 617; SS for SCS for SB 588; SCS for SB 630; SCS for SB 644; SB 649; CCS for HCS for SCS for SB 733; HCS for SB 739; SB 753; CCS No. 2 for HCS for SCS for SB 754; SB 758; SB 771; SCS for SB 772; SCS for SB 774; HCS for SCS for SB 777; CCS for HCS for SB 791; SS for SCS for SB 793; CCS for HCS for SB 795; SCS for SB 808; SCS for SB 834; CCS for HCS for SCS for SBs 842, 799 and 809; CCS No. 3 for HCS No. 2 for SB 844; HCS for SB 851; SS for SCS for SB 884; HCS for SB 940; HCS for SCS for SB 942; SB 981; SS for SB 984; SB 987; and CCS for HCS for SS for SB 1007**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Also,

The President Pro Tem announced that all other business would be suspended and **SS for SCS for HCS for HB 1764; SCS for HCS for HB 2001; CCS for SS for SCS for HCS for HB 2002; CCS for SS for SCS for HCS for HB 2003; CCS for SCS for HCS for HB 2004; CCS for SCS for HCS for HB 2005; CCS for SCS for HCS for HB 2006; CCS for SCS for HCS for HB 2007; CCS for SCS for HCS for HB 2008; CCS for SCS for HCS for HB 2009; CCS for SCS for HCS for HB 2010; CCS for SCS for HCS for HB 2011; CCS for SCS for HCS for HB 2012; CCS for SCS for HCS for HB 2013; HB 1270; CCS for SCS for HCS for HBs 1311 and 1341; SCS for HCS for HB 1316; HB 1340; SCS for HCS for HB 1375; SCS for HB 1392; CCS for SS for HCS for HBs 1408 and 1514; CCS for SS for SCS for HB 1442; SCS for HB 1444; HCS No. 2 for HB 1472; SCS for HCS for HB 1516; SCS for HCS for HBs 1524 and 2260; CCS for SS No. 2 for SCS for HCS No. 2 for HB 1543; HB 1559; HB 1595; SCS for HB 1612; HB 1643; HB 1654; HB 1662; SS for SCS for HCS No. 2 for HBs 1692, 1209, 1405, 1499, 1535 and 1811; SS for SCS for HCS for HBs 1695, 1742 and 1674; HB 1741; SS for SCS for HCS for HB 1750; SS for HCS for HB 1806; SCS for HCS for HB 1831; HCS for HB 1840; SS for HCS for HB 1848; SCS for HCS for HB 1858; CCS for SCS for HB 1868; SCS for HB 1892; SS No. 2 for HCS for HB 1893; HB 1894; HCS for HB 1898; SCS for HCS for HB 1903; SCS for HB 1941; HB 1942; CCS for SCS for HCS for HB 1965; HCS for HB 1977; SCS for HCS for HB 2016; HB 2056; SS for SCS for HCS for HB 2058; CCS for HCS for HB 2070; HCS for HB 2081; HCS for HBs 2147 and 2261; HCS for HB 2161; HB 2182; SS for SCS for HCS for HB 2198; SS for SCS for HCS for HB 2201; CCS for SCS for HB 2226, HB 1824, HB 1832 and HB 1990; HCS for HB 2231; HCS for HBs 2262 and 2264; HB 2270; SCS for HB 2285; SS for HB 2290; CCS for SCS for HCS for HB 2297; and SS for SCS for HB 2317**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

### **BILLS DELIVERED TO THE GOVERNOR**

**SS for SB 578; HCS for SCS for SB 583; HCS for SS for SCS for SBs 586 and 617; SS for SCS for SB 588; SCS for SB 630; SCS for SB 644; SB 649; CCS for HCS for SCS for SB 733; HCS for SB 739; SB 753; CCS No. 2 for HCS for SCS for SB 754; SB 758; SB 771; SCS for SB 772; SCS for SB 774; HCS for SCS for SB 777; CCS for HCS for SB 791; SS for SCS for SB 793; CCS for HCS for SB 795; SCS for SB 808; SCS for SB 834; CCS for HCS for SCS for SBs 842, 799 and 809; CCS No. 3 for HCS No. 2 for SB 844; HCS for SB 851; SS for SCS for SB 884; HCS for SB 940; HCS for SCS for SB 942; SB 981; SS for SB 984; SB 987; and CCS for HCS for SS for SB 1007**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

### **RESOLUTIONS**

On behalf of Senator Schaefer, Senator Shields offered Senate Resolution No. 2541, regarding Edwin Miller, Moberly, which was adopted.

On behalf of Senator Wilson, Senator Shields offered Senate Resolution No. 2542, regarding the late Delores Ellis Ewing, which was adopted.

On behalf of Senator Engler, Senator Shields offered Senate Resolution No. 2543, regarding Deborah A. Guemmer, De Soto, which was adopted.

On behalf of Senator Green, Senator Shields offered Senate Resolution No. 2544, regarding the One

Hundredth Birthday of Margaret Gladys Simmons, Saint Louis, which was adopted.

On behalf of Senator McKenna, Senator Shields offered Senate Resolution No. 2545, regarding 2010 Missouri School of Character, Seckman High School, Imperial, which was adopted.

On behalf of Senator McKenna, Senator Shields offered Senate Resolution No. 2546, regarding 2010 Missouri School of Character, Fox Elementary School, Arnold, which was adopted.

On behalf of Senator McKenna, Senator Shields offered Senate Resolution No. 2547, regarding 2010 Missouri School of Character, Antonia Elementary School, Imperial, which was adopted.

On behalf of Senator Green, Senator Shields offered Senate Resolution No. 2548, regarding Mark Tranel, Ph.D., Bellefontaine Neighbors, which was adopted.

On behalf of Senator Ridgeway, Senator Shields offered Senate Resolution No. 2549, regarding Kelsi Ridgeway, Sturgeon, which was adopted.

On behalf of Senator Stouffer, Senator Shields offered Senate Resolution No. 2550, regarding J.C. Wilcox, Macon, which was adopted.

On behalf of Senator Green, Senator Shields offered Senate Resolution No. 2551, regarding Lawrence J. "Larry" Bausola, St. Louis, which was adopted.

On behalf of Senator Bartle, Senator Shields offered Senate Resolution No. 2552, regarding Jan Davis, which was adopted.

On behalf of Senator Keaveny, Senator Shields offered Senate Resolution No. 2553, regarding John Karel, which was adopted.

On behalf of Senator Vogel, Senator Shields offered Senate Resolution No. 2554, regarding Reverend John Hobratchk, Jefferson City, which was adopted.

On behalf of Senator Champion, Senator Shields offered Senate Resolution No. 2555, regarding the Twenty-fifth Anniversary of the Kitchen Clinic, Springfield, which was adopted.

On behalf of Senator Engler, Senator Shields offered Senate Resolution No. 2556, regarding Linda Newman, Fenton, which was adopted.

On behalf of Senator Engler, Senator Shields offered Senate Resolution No. 2557, regarding Nancy Graham, De Soto, which was adopted.

On behalf of Senator Bray, Senator Shields offered Senate Resolution No. 2558, regarding Sue Sheehan, Creve Coeur, which was adopted.

On behalf of Senator Crowell, Senator Shields offered Senate Resolution No. 2559, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. E.P. Kurre, Jackson, which was adopted.

On behalf of Senator Crowell, Senator Shields offered Senate Resolution No. 2560, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jesse Edward Williams, Sr., Jackson, which was adopted.

On behalf of Senator Shoemyer, Senator Shields offered Senate Resolution No. 2561, regarding Donald Adams, Columbia, which was adopted.

Senator Shields offered Senate Resolution No. 2562, regarding the Knights of Peter Claver, Inc. and Ladies Auxiliary of New Orleans, Louisiana, which was adopted.

Senator Shields offered Senate Resolution No. 2563, regarding Lydia Zuidema, which was adopted.



Senator Shields offered Senate Resolution No. 2564, regarding Kim Ulmer, which was adopted.

Senator Shields offered Senate Resolution No. 2565, regarding Karli Sample, which was adopted.

Senator Shields offered Senate Resolution No. 2566, regarding the Community Action Partnership of Greater Saint Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 2567, regarding Jennifer Soper, which was adopted.

Senator Shields offered Senate Resolution No. 2568, regarding Judy Trout, which was adopted.

Senator Shields offered Senate Resolution No. 2569, regarding Grace Day, which was adopted.

Senator Shields offered Senate Resolution No. 2570, regarding Nancy J. Reed, which was adopted.

On behalf of Senator Schmitt, Senator Shields offered Senate Resolution No. 2571, regarding Joe Godi, which was adopted.

On behalf of Senator Schmitt, Senator Shields offered Senate Resolution No. 2572, regarding Cheryl Devaney, which was adopted.

On behalf of Senator Schmitt, Senator Shields offered Senate Resolution No. 2573, regarding Benjamin Arrendell, St. Louis, which was adopted.

On behalf of Senator Schaefer, Senator Shields offered Senate Resolution No. 2574, regarding Staff Sergeant Robert Canine, Columbia, which was adopted.

Senator Shields offered Senate Resolution No. 2575, regarding William E. Pollard, Springfield, which was adopted.

### COMMUNICATIONS

President Pro Tem Shields submitted the following:

May 25, 2010

Ms. Terry Spieler  
Secretary of the Senate  
State Capitol  
Jefferson City, MO 65101

Dear Ms. Spieler:

Pursuant to Senate Rule 31, I am granting the Senate Standing Committee on Governmental Accountability and Fiscal Oversight the authority, between this date and the end of the 95th General Assembly, to function and hold hearings examining current rules, practices, and procedures relative to the Senate's fiscal review of legislation and other matters relating thereto.

If you have any questions, please contact me at your earliest convenience.

Sincerely,

/s/ Charlie Shields  
Charles W. Shields

On motion of Senator Shields, the Senate adjourned sine die, pursuant to the Constitution.

PETER KINDER  
Lieutenant Governor  
TERRY L. SPIELER  
Secretary of the Senate

**JOURNAL OF THE SENATE**  
**NINETY-FIFTH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF MISSOURI**  
**FIRST EXTRA SESSION**  
**OF THE**  
**SECOND REGULAR SESSION**

---

**FIRST DAY—THURSDAY, JUNE 24, 2010**

---

The Senate was called to order in Extra Session by Lieutenant Governor Peter Kinder.

Reverend Carl Gauck offered the following prayer:

“Rest in this—it is His business to lead, command, impel, send, call...It is your business to obey, follow, move, respond...” (Jim Elliot)

Gracious God, we gather today to begin the process called forth by our Governor during this special session. We are called to consider a special need, so our work begins. Bless and guide our discussions and actions and the decisions that will be most wise and helpful so our work may yet be completed and advance what our people need in fairness and equity. And watch our “going out and coming in” during our travel. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Engler announced that photographers from KRCG-TV, KOMU-TV and Jefferson City News Tribune were given permission to take pictures in the Senate Chamber today.

**COMMUNICATIONS FROM THE  
GOVERNOR**

The President laid before the Senate the following proclamation from the Governor, reading of which was waived:

**PROCLAMATION**

WHEREAS, automobile manufacturing and the supplier industry that automobile production supports are vital to our State’s economy; and

WHEREAS, automobile manufacturing facilities and suppliers are located in every corner of this State; and

WHEREAS, it is critical to the communities where these highly-skilled workers are employed that the automobile manufacturing and supplier industry remains a vibrant sector of Missouri’s economy; and

WHEREAS, during the Second Regular Session of the Ninety-Fifth General Assembly, the General Assembly considered legislation that would have provided key economic development investments in the automobile manufacturing and supplier industry; and

WHEREAS, the failure to enact an economic development bill that prudently invests in Missouri’s automobile manufacturing and supplier industry in a measured manner by creating jobs and continuing the role of Missouri as a national leader in this industry constitutes an immediate

economic threat to the well-being of the economy of the State of Missouri; and

WHEREAS, during the Second Regular Session of the Ninety-Fifth General Assembly, the General Assembly considered legislation that would have modernized the state employee retirement system; and

WHEREAS, the proposed legislation would have required employee contributions and changed retirement eligibility criteria for certain state employees hired after January 1, 2011, provided financial stability to the state employee retirement system and protected its defined benefit plan; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor on extraordinary occasions to convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary; and

WHEREAS, the need for an economic development program promoting investment in Missouri's automobile manufacturing and supplier industry and modernization of the state employee retirement system are extraordinary occasions as envisioned by Article IV, Section 9 of the Missouri Constitution.

NOW THEREFORE, on the extraordinary occasions that exist in the State of Missouri:

I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the Ninety-Fifth General Assembly of the State of Missouri in the First Extra Session of the Second Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 12:00 p.m., Central Daylight Time, on June 24, 2010; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To enact legislation establishing an economic development program designed to support and strengthen the automobile manufacturing and supplier industry through the providing of benefits in the form of retained withholding taxes for qualifying jobs at automobile manufacturing facilities and their suppliers.
2. To enact legislation modernizing various aspects of the state employee retirement system by requiring employee contributions and changing retirement eligibility criteria and employee options for individuals hired after January 1, 2011, and further establishing additional efficiencies and oversight and maximizing investment returns for the retirement system. This matter is restricted and no legislation enacted hereunder may affect the Public School Retirement System of Missouri or the Public Education Employee Retirement System of Missouri other than to exempt such systems from the legislation.
3. To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require advice and consent of the Senate.
4. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 18<sup>th</sup> day of June, 2010.

Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

Robin Carnahan  
Secretary of State

The following Senators were present during the day's proceedings:

Present—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
Pearce	Purgason	Ridgeway	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson—27					

Absent—Senators—None

Absent with leave—Senators

Bartle            Bray            Days            McKenna            Nodler            Rupp            Wright-Jones—7

Vacancies—None

The Lieutenant Governor was present.

## **RESOLUTIONS**

Senator Engler offered the following resolution, which was read and adopted:

### **SENATE RESOLUTION NO. 1**

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, Second Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Extra Session of the Second Regular Session and is ready for consideration of its business.

Senator Engler offered the following resolution, which was read and adopted:

### **SENATE RESOLUTION NO. 2**

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, that the rules of the Senate, as adopted by the Ninety-fifth General Assembly, Second Regular Session, be declared the rules of the First Extra Session of the Second Regular Session.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

June 24, 2010

### **To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 01, 2010, while the Senate was not in session.

Kenneth H. Suelthaus, Republican, 761 Cella Road, Ladue, Saint Louis County, Missouri 63124, as a member of the State Highways and Transportation Commission, for a term ending March 01, 2015, and until his successor is duly appointed and qualified; vice, Duane Michie, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

June 24, 2010

### **To the Senate of the 95th General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

June 7, 2010, while the Senate was not in session.

Marvin Wright, 1200 Danforth Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2014, and until his successor is duly appointed and qualified; vice, Randy Etter, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

June 24, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

I hereby withdraw from your consideration the following appointments to office submitted to you June 24, 2010 for your advice and consent:

Marvin Wright, 1200 Danforth Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2014, and until his successor is duly appointed and qualified; vice, Randy Etter, term expired.

Kenneth H. Suelthaus, Republican, 761 Cella Road, Ladue, Saint Louis County, Missouri 63124, as a member of the State Highways and Transportation Commission, for a term ending March 01, 2015, and until his successor is duly appointed and qualified; vice, Duane Michie, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields moved that the above appointments be returned to the Governor per his request, which motion prevailed.

## **INTRODUCTION OF BILLS**

The following Bill was read the 1st time and ordered printed:

**SB 1**—By Crowell, Shields, Engler, Scott and Dempsey.

An Act to amend chapters 104 and 476, RSMo, by adding thereto eight new sections relating to retirement.

Senator Dempsey assumed the Chair.

## **RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 3, regarding Margaret Ann Holle, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 4, regarding Branson Elementary West School, which was adopted.

Senator Callahan offered Senate Resolution No. 5, regarding the One Hundred Seventy-fifth Birthday of First Christian Church, Independence, which was adopted.

## **INTRODUCTIONS OF GUESTS**

Senator Champion introduced to the Senate, her daughter, Brooke Dizmang and grandson, Alex, Springfield.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Friday, June 25, 2010.

SENATE CALENDAR

---

SECOND DAY—FRIDAY, JUNE 25, 2010

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Crowell, et al

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**SECOND DAY—FRIDAY, JUNE 25, 2010**

---

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

## **SECOND READING OF SENATE BILLS**

At the request of President Pro Tem Shields, the following Bill was read the 2nd time and referred by Senator Vogel to the Committee indicated:

**SB 1**—Veterans' Affairs, Pensions and Urban Affairs.

## **RESOLUTIONS**

On behalf of Senator Bartle, Senator Vogel offered Senate Resolution No. 6, regarding Connor Nicholas McEntire, Blue Springs, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 7, regarding Devon Alexander, Saint Louis, which was adopted.

On motion of Senator Vogel, the Senate adjourned until 1:00 p.m., Tuesday, June 29, 2010.

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**THIRD DAY—TUESDAY, JUNE 29, 2010**

---

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

## **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Crowell, Chairman of the Committee on Veterans' Affairs, Pensions and Urban Affairs, Senator Vogel submitted the following report:

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

## **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1**, entitled:

An Act to repeal sections 56.809, 70.605, 104.190, 104.480, 105.915, 105.927, and 169.020, RSMo, and to enact in lieu thereof sixteen new sections relating to retirement, with an emergency clause for certain sections.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has



taken up and passed **HCS** for **HB 2**, entitled:

An Act to repeal sections 67.1461, 135.950, 135.957, 135.960, 135.963, 135.967, 137.106, 144.054, and 620.1881, RSMO, and section 135.953 as truly agreed to and finally passed in conference committee substitute for senate committee substitute for house committee substitute for house bill no. 1965, ninety-fifth general assembly, second regular session, and section 137.115 as truly agreed to and finally passed in senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and to enact in lieu thereof fifteen new sections relating to job growth.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **RESOLUTIONS**

Senator Vogel offered Senate Resolution No. 8, regarding Debra McBaine, Jefferson City, which was adopted.

On behalf of Senator McKenna, Senator Vogel offered Senate Resolution No. 9, regarding Delmar R. Gillman, Cedar Hill, which was adopted.

On behalf of Senator McKenna, Senator Vogel offered Senate Resolution No. 10, regarding Randall R. Gillman, Dittmer, which was adopted.

On behalf of Senator Keaveny, Senator Vogel offered Senate Resolution No. 11, regarding Heat-Up and Cool Down St. Louis, which was adopted.

On behalf of Senator Schmitt, Senator Vogel offered Senate Resolution No. 12, regarding Amigos Cantina, Kirkwood, which was adopted.

On behalf of Senator Cunningham, Senator Vogel offered Senate Resolution No. 13, regarding Lieutenant Carroll Raymond White, Jr., which was adopted.

On behalf of Senator Rupp, Senator Vogel offered Senate Resolution No. 14, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene Peetz, Lake Saint Louis, which was adopted.

On behalf of Senator Rupp, Senator Vogel offered Senate Resolution No. 15, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Burton, Troy, which was adopted.

On behalf of Senator Rupp, Senator Vogel offered Senate Resolution No. 16, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lloyd Elsenrath, St. Peters, which was adopted.

On behalf of Senator Shoemyer, Senator Vogel offered Senate Resolution No. 17, regarding Daxon James Weaver, Unionville, which was adopted.

On motion of Senator Vogel, the Senate adjourned until 9:00 a.m., Wednesday, June 30, 2010.

SENATE CALENDAR

---

FOURTH DAY—WEDNESDAY, JUNE 30, 2010

---

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1

HCS for HB 2

SENATE BILLS FOR PERFECTION

SB 1-Crowell, et al

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**FOURTH DAY—WEDNESDAY, JUNE 30, 2010**

---

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

## **HOUSE BILLS ON SECOND READING**

At the request of President Pro Tem Shields, the following Bills were read the 2nd time and referred by Senator Vogel to the Committees indicated:

**HCS for HB 1**—Veterans' Affairs, Pensions and Urban Affairs.

**HCS for HB 2**—Jobs, Economic Development and Local Government.

## **RESOLUTIONS**

On behalf of Senator Lager, Senator Vogel offered Senate Resolution No. 18, regarding Savannah High School speech and debate program, which was adopted.

Senator Crowell offered Senate Resolution No. 19, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Etherton, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 20, regarding Hilary Merick, which was adopted.

Senator Crowell offered Senate Resolution No. 21, regarding Sarah VanSickle, which was adopted.

Senator Crowell offered Senate Resolution No. 22, regarding William Shell, which was adopted.

Senator Crowell offered Senate Resolution No. 23, regarding Emma Shell, which was adopted.

Senator Crowell offered Senate Resolution No. 24, regarding Whitney Green, which was adopted.

On behalf of Senator Days, Senator Vogel offered Senate Resolution No. 25, regarding the Twenty-fifth Anniversaries of the Missouri Legislative Black Caucus and the Missouri Lottery, which was adopted.

On behalf of Senator McKenna, Senator Vogel offered Senate Resolution No. 26, regarding Jacob Peter Kotsas, Festus, which was adopted.

On behalf of Senator McKenna, Senator Vogel offered Senate Resolution No. 27, regarding the Ninetieth Birthday of Virginia Sindel, St. Louis, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 28, regarding Alexis Hunting, Centerview, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 29, regarding Kala Hunting,

Centerview, which was adopted.

On behalf of Senator Stouffer, Senator Vogel offered Senate Resolution No. 30, regarding Carmen Denise Jones, Boonville, which was adopted.

On motion of Senator Vogel, the Senate recessed until 4:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Vogel.

### **REPORTS OF STANDING COMMITTEES**

Senator Crowell, Chairman of the Committee on Veterans' Affairs, Pensions and Urban Affairs, submitted the following report:

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **HCS** for **HB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **REFERRALS**

At the request of President Pro Tem Shields, **HCS** for **HB 1**, with **SCS** and **HCS** for **HB 2**, with **SCS**, were referred by Senator Vogel to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Vogel, the Senate adjourned until 11:00 a.m., Thursday, July 1, 2010.

### **SENATE CALENDAR**

---

**FIFTH DAY—THURSDAY, JULY 1, 2010**

---

### **FORMAL CALENDAR**

#### **SENATE BILLS FOR PERFECTION**

SB 1-Crowell, et al

#### **HOUSE BILLS ON THIRD READING**

HCS for HB 1, with SCS (In Fiscal Oversight)

HCS for HB 2, with SCS (In Fiscal Oversight)

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**FIFTH DAY—THURSDAY, JULY 1, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You who seek God, let your hearts revive.” (Psalm 69:32)

Gracious God, we gather once again to complete the work required of us. We ask that our discussions and inquiries with one another bring clarification and help us make good decisions. And we pray that we will do all that is necessary to finish the work before us in good order. And Lord, watch our travel and keep us mindful of our responsibilities to others we share the road. Bring us safely home, to use our time away for health, recreation and intimacy with our loved ones and with You, our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, June 24, 2010; Friday, June 25, 2010; Tuesday, June 29, 2010; and Wednesday, June 30, 2010 were read and approved.

Senator Engler announced that photographers from KOMU-TV, ABC 17 News, KMBC-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 31, regarding Almost Home, Saint Louis, which was adopted.

Senator Champion offered Senate Resolution No. 32, regarding Center Baptist Church, Ash Grove, which was adopted.

Senator Schaefer offered the following resolution:

### SENATE RESOLUTION NO. 33

WHEREAS, Governor Jeremiah (Jay) Nixon, by proclamation, has convened the Ninety-fifth General Assembly of the State of Missouri into the First Extraordinary Session of the Second Regular Session; and

WHEREAS, the call of the extraordinary session specifically includes establishing an economic development program designed to support and strengthen the automobile manufacturing and supplier industry through the providing of benefits in the form of retained withholding taxes for qualifying jobs at automobile manufacturing facilities and their suppliers; and

WHEREAS, the call of the extra session also specifically includes modernizing various aspects of the state employee retirement system by requiring employee contributions and changing retirement eligibility and employee options for employees hired after January 1, 2011; and

WHEREAS, during the Second Regular Session of the Ninety-fifth General Assembly, legislation was considered that would have provided key economic development incentives by providing state and local sales and use tax exemptions for all machinery, equipment, computers, electrical energy, gas, water and other utilities including telecommunication services used in new data storage centers and server farm facilities; and

WHEREAS, Missouri needs to attract and expand quality jobs in the technology sector; and

WHEREAS, companies providing data storage centers and server farm facilities have and are considering the expansion and development of data storage centers and server farm facilities in the state of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Extraordinary Session, hereby urge the Governor to expand the call of the Extraordinary Session to include legislation to provide economic incentives for the expansion and development of electronic data storage centers; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Jeremiah (Jay) Nixon.

## REFERRALS

President Pro Tem Shields referred **SR 33** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 1**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

## HOUSE BILLS ON THIRD READING

**HCS** for **HB 1**, with **SCS**, entitled:

An Act to repeal sections 56.809, 70.605, 104.190, 104.480, 105.915, 105.927, and 169.020, RSMo, and to enact in lieu thereof sixteen new sections relating to retirement, with an emergency clause for certain sections.

Was taken up by Senator Crowell.

**SCS** for **HCS** for **HB 1**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1**

An Act to amend chapters 104 and 476, RSMo, by adding thereto eight new sections relating to retirement.

Was taken up.

Senator Stouffer assumed the Chair.

Senator Crowell moved that **SCS** for **HCS** for **HB 1** be adopted.

At the request of Senator Crowell, **HCS** for **HB 1**, with **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Engler, the Senate recessed until 1:40 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

**RESOLUTIONS**

Senator Pearce offered Senate Resolution No. 34, regarding Michael Brookshier, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 35, regarding Jordan Miller, Cole Camp, which was adopted.

Senator Pearce offered Senate Resolution No. 36, regarding Jason Foose, Holden, which was adopted.

Senator Pearce offered Senate Resolution No. 37, regarding Zackary Kaltefleiter, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 38, regarding Anthony DeFreitas, Oldsmar, Florida, which was adopted.

Senator Griesheimer offered Senate Resolution No. 39, regarding the Wabash Frisco & Pacific Railroad Association, Incorporated, Glencoe, which was adopted.

**HOUSE BILLS ON THIRD READING**

Senator Crowell moved that **HCS** for **HB 1**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HB 1** was again taken up.

Senator Green offered **SA 1**, which was read:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 7, Section 104.1500, Line 35, by inserting after the word “term.” the following:

**“No member shall serve on the board after the expiration of their term, until reappointed by the governor to a successive term.”.**

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 20, Section 476.521, Line 111, by inserting after all of said line the following:

**“8. Any judge who is receiving retirement compensation under section 476.529 or 476.530 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000 plan under chapter 104, shall not receive such retirement compensation for any calendar month in which the retired judge is so employed. Any judge who is receiving retirement compensation under section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to subdivision (4) of subsection 1 of section 476.515 shall not receive such retirement compensation for any calendar month in which the retired judge is serving as a judge; except that upon retirement such judge's annuity shall be recalculated to include any additional service or salary accrued based on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or 476.530 may continue to receive such retirement compensation while serving as a senior judge or senior commissioner and shall receive additional credit and salary for such service pursuant to section 476.682.”; and**

Further amend said page, section 476.527, lines 1-16, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Justus offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 20, Section 476.527, Lines 1-16, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above substitute amendment be adopted, which motion failed.

**SA 2** was again taken up.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 3**:

## SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 11,



Section 104.1500, Line 198, by inserting after “board.” the following: **“The board shall not have the authority to employ legal counsel to conduct litigation on behalf of the respective retirement system. Such authority to employ legal counsel shall remain with the board of the respective system. Nothing in this subsection shall prevent legal counsel hired by any system from representing the board as necessary.”**

Senator Lager moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Green, Keaveny and Schaefer.

Senator Dempsey assumed the Chair.

**SA 3** failed of adoption by the following vote:

YEAS—Senators

Bartle	Green	Lager	McKenna	Purgason	Rupp	Schaefer—7
--------	-------	-------	---------	----------	------	------------

NAYS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Keaveny	Lembke	Mayer	Pearce
Ridgeway	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—25

Absent—Senators—None

Absent with leave—Senators

Bray	Nodler—2
------	----------

Vacancies—None

Senator Keaveny offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 11, Section 104.1500, Line 178, by inserting after all of said line the following:

**“21. No employee of the board shall have a business relationship with any service provider of the board until two years have expired after the date of his or her resignation or termination as an employee of the board.”; and**

Further renumber the remaining subsections accordingly.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Crowell moved that **SCS** for **HCS** for **HB 1**, as amended, be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **HCS** for **HB 1**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Keaveny	Lembke	Mayer	McKenna	Pearce

Ridgeway	Rupp	Schmitt	Scott	Shields	Stouffer	Vogel	Wilson
Wright-Jones—25							

NAYS—Senators							
Barnitz	Green	Justus	Lager	Purgason	Schaefer	Shoemyer—7	

Absent—Senators—None

Absent with leave—Senators	
Bray	Nodler—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Crowell moved that **SB 1** be taken up for perfection, which motion prevailed.

Senator Crowell offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1, Page 4, Section 104.1091, Line 113, by inserting after “plan” as it appears the first time on said line the following: **“to members covered under this section”**; and

Further amend said bill, page 7, section 104.1500, line 35, by inserting after the word “term.” the following:

**“No member shall serve on the board after the expiration of their term, until reappointed by the governor to a successive term.”**; and

Further amend said bill and section, page 11, line 178, by inserting after all of said line the following:

**“21. No employee of the board shall have a business relationship with any service provider of the board until two years have expired after the date of his or her resignation or termination as an employee of the board.”**; and

Further renumber the remaining subsections accordingly; and

Further amend said bill, Page 19, Section 476.521, Line 104, by inserting after “476.565” the following: **“to judges covered under this section”**; and

Further amend said bill and section, page 20, line 110, by inserting after all of said line the following:

**“8. Any judge who is receiving retirement compensation under section 476.529 or 476.530 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000 plan under chapter 104, shall not receive such retirement compensation for any calendar month in which the retired judge is so employed. Any judge who is receiving retirement compensation under section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to subdivision (4)**

of subsection 1 of section 476.515 shall not receive such retirement compensation for any calendar month in which the retired judge is serving as a judge; except that upon retirement such judge's annuity shall be recalculated to include any additional service or salary accrued based on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or 476.530 may continue to receive such retirement compensation while serving as a senior judge or senior commissioner and shall receive additional credit and salary for such service pursuant to section 476.682.”; and

Further amend said page, section 476.527, lines 1-16, by striking all of said section from the bill; and  
Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Crowell, **SB 1**, as amended, was declared perfected and ordered printed.

On motion of Senator Engler, the Senate recessed until 6:15 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to ordered by President Pro Tem Shields.

### **INTRODUCTION OF BILLS**

The following Bill was read the 1st time and ordered printed:

**SB 2**—By Ridgeway.

An Act to repeal section 620.1881, RSMo, and to enact in lieu thereof two new sections relating to job growth.

### **INTRODUCTIONS OF GUESTS**

Senator Vogel introduced to the Senate, his son, Specialist Jacob Lloyd Vogel, 75th Ranger Regiment 1st Battalion, United States Army.

Senator Green introduced to the Senate, his daughter, Megan Ann, St. Louis.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Thursday, July 8, 2010.

### **SENATE CALENDAR**

---

SIXTH DAY—THURSDAY, JULY 8, 2010

---

### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 2-Ridgeway

### **HOUSE BILLS ON THIRD READING**

HCS for HB 2, with SCS (Ridgeway) (In Fiscal Oversight)

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**SIXTH DAY—THURSDAY, JULY 8, 2010**

---

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

## **SECOND READING OF SENATE BILLS**

At the request of President Pro Tem Shields, the following Bill was read the 2nd time and referred by Senator Vogel to the Committee indicated:

**SB 2**—Jobs, Economic Development and Local Government.

## **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Vogel submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 1**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## **REFERRALS**

At the request of President Pro Tem Shields, **SB 1** was referred by Senator Vogel to the Committee on Governmental Accountability and Fiscal Oversight.

## **RESOLUTIONS**

On behalf of Senator Crowell, Senator Vogel offered Senate Resolution No. 40, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Kenneth Bender, Cape Girardeau, which was adopted.

Senator Vogel offered Senate Resolution No. 41, regarding Charles W. Goodin, Jefferson City, which was adopted.

On behalf of Senator Wright-Jones, Senator Vogel offered Senate Resolution No. 42, regarding Earl McDowell, Sr., Saint Louis, which was adopted.

On motion of Senator Vogel, the Senate adjourned until 9:00 a.m., Tuesday, July 13, 2010.

SENATE CALENDAR

---

SEVENTH DAY—TUESDAY, JULY 13, 2010

---

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1-Crowell, et al (In Fiscal Oversight)

HOUSE BILLS ON THIRD READING

HCS for HB 2, with SCS (Ridgeway) (In Fiscal Oversight)

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**SEVENTH DAY—TUESDAY, JULY 13, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Life makes warriors of us all. To emerge the victors, we must arm ourselves with the most potent of weapons. That weapon is prayer.”  
(Rebbi Nachman of Breslov)

Gracious God, we do come to You now in prayer. We pray in thanksgiving for safe travel and Your abiding presence. We pray for encouragement that all the work that has been done is helpful to complete our work. We pray for open and dedicated minds so we might be helpful one to the other in the work before us. And we pray that our efforts may produce the outcome that is most beneficial. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, July 1, 2010 and Thursday, July 8, 2010 were read and approved.

Senator Engler announced that photographers from KCTV-5, Jefferson City News Tribune, KRCG-TV, KSHB NBC News, ABC 17 News, KOMU-TV and KMBC-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Nodler—1

Vacancies—None

The Lieutenant Governor was present.

### **RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 43, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Bill Gilbert, Mt. Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 44, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe C. Pennington, Mt. Vernon, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 45, regarding Father Urey Patrick Mark, SVD, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 46, regarding Myah Chavers, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 47, regarding Saint Louis World Changers, which was adopted.

Senator Pearce offered Senate Resolution No. 48, regarding Elm Spring Baptist Church, Kingsville, which was adopted.

Senator Clemens offered Senate Resolution No. 49, regarding Kris Sandgren, Nixa, which was adopted.

Senator McKenna offered Senate Resolution No. 50, regarding Nextstep for Life, Jefferson County, which was adopted.

Senators Shields and Vogel offered Senate Resolution No. 51, regarding State Employee Recognition Week, which was adopted.

Senator Lembke offered Senate Resolution No. 52, regarding Alex Reitz, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 53, regarding the One Hundredth Birthday of Polly Matthews, St. Louis, which was adopted.

Senator Goodman offered Senate Resolution No. 54, regarding Caleb Wilbanks, Cassville, which was adopted.

Senator Stouffer offered Senate Resolution No. 55, regarding the One Hundredth Birthday of Gladys Mais, Higginsville, which was adopted.

Senators Stouffer and Bartle offered Senate Resolution No. 56, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leon Hubbard, Blue Springs, which was adopted.

Senator Scott offered Senate Resolution No. 57, regarding Lieutenant Colonel Mark Edward Scott, which was adopted.

Senator Crowell offered Senate Resolution No. 58, regarding Lynn McKuin, which was adopted.

Senator Crowell offered Senate Resolution No. 59, regarding Claire Seyer, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Governmental Accountability and Fiscal Oversight,

submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 2**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 2**, with **SCS**, entitled:

An Act to repeal sections 67.1461, 135.950, 135.957, 135.960, 135.963, 135.967, 137.106, 144.054, and 620.1881, RSMO, and section 135.953 as truly agreed to and finally passed in conference committee substitute for senate committee substitute for house committee substitute for house bill no. 1965, ninety-fifth general assembly, second regular session, and section 137.115 as truly agreed to and finally passed in senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and to enact in lieu thereof fifteen new sections relating to job growth.

Was taken up by Senator Ridgeway.

**SCS** for **HCS** for **HB 2**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2**

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to job growth.

Was taken up.

Senator Ridgeway moved that **SCS** for **HCS** for **HB 2** be adopted.

Senator Shields offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2, Page 7, Section 620.1910, Line 216, by inserting after all of said line the following:

“Section B. Because of the governor's authority under the provisions of Section IV, Article 8 of the Missouri Constitution to specifically designate matters to be considered in an extraordinary session of the general assembly and the inextricable nature of the matters designated in the governor's proclamation for this first extraordinary session, section A of this act shall not become effective except upon the passage and approval by signature of the governor of the truly agreed and finally passed version of house bill no. 1 as enacted during the first extraordinary session of the second regular session of the ninety-fifth general assembly.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

Senator Justus assumed the Chair.

Senator Stouffer assumed the Chair.



Senator Schmitt assumed the Chair.

Senator Pearce assumed the Chair.

Senator Engler assumed the Chair.

Senator Dempsey assumed the Chair.

On motion of Senator Shields, **SA 1** was adopted.

Senator Ridgeway moved that **SCS** for **HCS** for **HB 2**, as amended, be adopted.

At the request of Senator Ridgeway, **HCS** for **HB 2**, with **SCS**, as amended, was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Senate Committee Substitute as amended for House Committee Substitute for House Bill No. 1 and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

### **PRIVILEGED MOTIONS**

Senator Crowell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1**, as amended, and grant the House a conference thereon, which motion prevailed.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1**, as amended: Senators Crowell, Pearce, Engler, Green and Keaveny.

### **HOUSE BILLS ON THIRD READING**

Senator Ridgeway moved that **HCS** for **HB 2**, with **SCS**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HB 2**, as amended, was again taken up.

Senator Pearce assumed the Chair.

Senator Dempsey assumed the Chair.

Senator Rupp assumed the Chair.

Senator Purgason offered **SA 2**:

### **SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2, Pages 1-7, Section 620.1910, by striking all of said section from the bill and inserting in lieu thereof the following:

**“620.1910. 1. This section shall be known and may be cited as the “Missouri Jobs Act”.**

**2. As used in this section, the following terms mean:**

(1) “Approval”, a document submitted by the department to the Missouri business that states the benefits that may be provided under this section;

(2) “Capital investment”, expenditures made by a Missouri business directly related to the provision of goods or services by such business;

(3) “County average wage”, the same meaning as such term is defined in section 620.1878;

(4) “Department”, the department of economic development;

(5) “Full-time job”, a job for which a person is compensated for an average of at least thirty-five hours per week for a twelve-month period, and one for which the Missouri business offers health insurance and pays at least fifty percent of such insurance premiums;

(6) “Missouri business”, any corporation, association, joint stock association, partnership, or sole proprietorship organized, authorized, or existing under the laws of this state or any other state and doing business in this state;

(7) “NAICS industry classification”, the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(8) “New job”, the same meaning as such term is defined in section 620.1878;

(9) “Notice of intent”, a form developed by the department, completed by a Missouri business and submitted to the department which states the Missouri business intent to create new jobs or retain current jobs and make additional capital investment, as applicable, and request benefits under this section. The notice of intent shall specify the minimum number of such new or retained jobs and the minimum amount of such capital investment;

(10) “Retained job”, the number of full-time jobs of persons employed by the Missouri business that existed as of the last working day of the month immediately preceding the month in which notice of intent is submitted;

(11) “Statewide average wage”, an amount equal to the quotient of the sum of the total gross wages paid for the corresponding four calendar quarters divided by the average annual employment for such four calendar quarters, which shall be computed using the Quarterly Census of Employment and Wages Data for All Private Ownership Businesses in Missouri, as published by the Bureau of Labor Statistics of the United States Department of Labor;

(12) “Withholding period”, the seven- or ten-year period in which a Missouri business may receive benefits under this section;

(13) “Withholding tax”, the same meaning as such term is defined in section 620.1878.

3. The department shall respond within thirty days to a Missouri business that provides a notice of intent with either an approval or a rejection of the notice of intent. Failure to respond on behalf of the department shall result in the notice of intent being deemed an approval for the purposes of this section.

4. A Missouri business which commits to make a capital investment of at least seventy-five thousand dollars per retained job within no more than two years of the date the Missouri business begins to retain withholding tax under this section may, upon the department's approval of a notice of intent and the execution of an agreement that meets the requirements of subsection 9 of this section,

but no earlier than January 1, 2012, retain one hundred percent of the withholding tax from full-time jobs at the facility for a period of ten years. Except as otherwise allowed under subsection 7 of this section, the commencement of the withholding period may be delayed by no more than twenty-four months after execution of the agreement at the option of the Missouri business. Such Missouri business shall be eligible for participation in the Missouri quality jobs program in sections 620.1875 to 620.1890 for any new jobs for which it does not retain withholding tax under this section, provided all qualifications for such program are met.

5. A Missouri business which adds five or more new jobs which have an average wage as defined in section 135.950 for such new jobs that are equal to or exceed the lower of county average wage for Missouri as determined by the department using NAICS industry classifications but not lower than sixty percent of the statewide average wage and provides health insurance for all full-time jobs and pays at least fifty percent of the premiums of said insurance may, upon approval of a notice of intent by the department, retain all withholding tax from new jobs for a period of three years from the date of approval of the notice of intent or for a period of five years if the Missouri business pays wages for the new jobs equal to or greater than one hundred twenty percent of county average wage. Notwithstanding any other provision of law to the contrary, a Missouri business that is awarded benefits under this section shall not receive any tax credit or exemption or be entitled to retain withholding under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, sections 135.900 to 135.906, sections 135.950 to 135.970, or section 620.1881 for the same jobs.

6. Notwithstanding any other provision of law to the contrary, the maximum amount of withholding tax that may be retained by any one Missouri business under this section shall not exceed ten million dollars per calendar year. The aggregate amount of withholding tax that may be retained by all Missouri businesses under this section shall not exceed fifteen million dollars per calendar year.

7. Notwithstanding any other provision of law to the contrary, any Missouri business that is awarded benefits under this section shall not simultaneously receive tax credits or exemptions under sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 for the jobs created or retained or capital improvement which qualified for benefits under this section. The benefits available to the Missouri business under any other state programs for which the Missouri business is eligible and which utilize withholding tax from the jobs at the facility shall first be credited to the other state program before the applicable withholding period for benefits provided under this section shall begin. These other state programs include, but are not limited to, the new jobs training program under sections 178.892 to 178.896, the job retention program under sections 178.760 to 178.764, the real property tax increment allocation redevelopment act under sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any Missouri business also participates in the new jobs training program in sections 178.892 to 178.896, such Missouri business shall not retain any withholding tax that has already been allocated for use in the new jobs training program. Any Missouri business that is awarded benefits under this program and knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any withholding taxes already retained. Subsection 5 of section 285.530 shall not apply to Missouri businesses which are awarded benefits under this program.

8. The department may promulgate rules to implement the provisions of this section. Any rule or

portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

**9. Within six months of completion of a notice of intent required under this section, the Missouri business shall enter into an agreement with the department that memorializes the content of the notice of intent, the requirements of this section, and the consequences for failing to meet such requirements, which shall include the following:**

**(1) If the amount of capital investment made by the Missouri business is not made within the two-year period provided for such investment, the Missouri business shall immediately cease retaining any withholding tax with respect to jobs at the facility and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period. In addition, the Missouri business shall repay any amounts of withholding tax retained plus interest of five percent per annum.**

**(2) In the event that such capital investment shortfall is due to economic conditions beyond the control of the Missouri business, the director may, at the Missouri business' request, suspend rather than terminate its privilege to retain withholding tax under this section for up to three years. Any such suspension shall extend the withholding period by the same amount of time. No more than one such suspension shall be granted to a Missouri business.**

**10. Prior to March first each year, the department shall provide a report to the general assembly including the names of participating Missouri businesses, location of such businesses, the annual amount of benefits provided, the estimated net state fiscal impact including direct and indirect new state taxes derived, and the number of new jobs created or jobs retained.**

**11. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.**

620.1881. 1. The department of economic development shall respond within thirty days to a company who provides a notice of intent with either an approval or a rejection of the notice of intent. The department shall give preference to qualified companies and projects targeted at an area of the state which has recently been classified as a disaster area by the federal government. Failure to respond on behalf of the department of economic development shall result in the notice of intent being deemed an approval for the purposes of this section. A qualified company who is provided an approval for a project shall be allowed a benefit as provided in this program in the amount and duration provided in this section. A qualified company may receive additional periods for subsequent new jobs at the same facility after the full initial period if the minimum thresholds are met as set forth in sections 620.1875 to 620.1890. There is no limit on the number

of periods a qualified company may participate in the program, as long as the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program or other state programs. A qualified company may elect to file a notice of intent to start a new project period concurrent with an existing project period if the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program and other state programs; however, the qualified company may not receive any further benefit under the original approval for jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent may not be included as new jobs for the purpose of benefit calculation in relation to the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (19) of section 620.1878 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, any qualified company that is awarded benefits under this program may not simultaneously receive tax credits or exemptions under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906, RSMo, at the same project facility. The benefits available to the company under any other state programs for which the company is eligible and which utilize withholding tax from the new jobs of the company must first be credited to the other state program before the withholding retention level applicable under the Missouri quality jobs act will begin to accrue. These other state programs include, but are not limited to, the new jobs training program under sections 178.892 to 178.896, RSMo, the job retention program under sections 178.760 to 178.764, RSMo, the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, RSMo, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980, RSMo. If any qualified company also participates in the new jobs training program in sections 178.892 to 178.896, RSMo, the company shall retain no withholding tax, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this subdivision. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in the new job training program shall be increased by an amount equivalent to the withholding tax retained by that company under the new jobs training program. However, if the combined benefits of the quality jobs program and the new jobs training program exceed the projected state benefit of the project, as determined by the department of economic development through a cost-benefit analysis, the increase in the maximum tax credits shall be limited to the amount that would not cause the combined benefits to exceed the projected state benefit. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

3. The types of projects and the amount of benefits to be provided are:

(1) Small and expanding business projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount equal to the withholding tax as calculated under subdivision (33) of section 620.1878 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, RSMo, for a period of three years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds

the county average wage or for a period of five years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage;

(2) Technology business projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount equal to a maximum of five percent of new payroll for a period of five years from the date the required number of jobs were created from the withholding tax of the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, RSMo, if the average wage of the new payroll equals or exceeds the county average wage. An additional one-half percent of new payroll may be added to the five percent maximum if the average wage of the new payroll in any year exceeds one hundred twenty percent of the county average wage in the county in which the project facility is located, plus an additional one-half percent of new payroll may be added if the average wage of the new payroll in any year exceeds one hundred forty percent of the average wage in the county in which the project facility is located. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(3) High impact projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount from the withholding tax of the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, RSMo, equal to three percent of new payroll for a period of five years from the date the required number of jobs were created if the average wage of the new payroll equals or exceeds the county average wage of the county in which the project facility is located. For high-impact projects in a facility located within two adjacent counties, the new payroll shall equal or exceed the higher county average wage of the adjacent counties. The percentage of payroll allowed under this subdivision shall be three and one-half percent of new payroll if the average wage of the new payroll in any year exceeds one hundred twenty percent of the county average wage in the county in which the project facility is located. The percentage of payroll allowed under this subdivision shall be four percent of new payroll if the average wage of the new payroll in any year exceeds one hundred forty percent of the county average wage in the county in which the project facility is located. An additional one percent of new payroll may be added to these percentages if local incentives equal between ten percent and twenty-four percent of the new direct local revenue; an additional two percent of new payroll is added to these percentages if the local incentives equal between twenty-five percent and forty-nine percent of the new direct local revenue; or an additional three percent of payroll is added to these percentages if the local incentives equal fifty percent or more of the new direct local revenue. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(4) Job retention projects: a qualified company may receive a tax credit for the retention of jobs in this state, provided the qualified company and the project meets all of the following conditions:

(a) For each of the twenty-four months preceding the year in which application for the program is made the qualified company must have maintained at least one thousand full-time employees at the employer's site in the state at which the jobs are based, and the average wage of such employees must meet or exceed

the county average wage;

(b) The qualified company retained at the project facility the level of full-time employees that existed in the taxable year immediately preceding the year in which application for the program is made;

(c) The qualified company is considered to have a significant statewide effect on the economy, and has been determined to represent a substantial risk of relocation from the state by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development;

(d) The qualified company in the project facility will cause to be invested a minimum of seventy million dollars in new investment prior to the end of two years or will cause to be invested a minimum of thirty million dollars in new investment prior to the end of two years and maintain an annual payroll of at least seventy million dollars during each of the years for which a credit is claimed; and

(e) The local taxing entities shall provide local incentives of at least fifty percent of the new direct local revenues created by the project over a ten-year period. The quality jobs advisory task force may recommend to the department of economic development that appropriate penalties be applied to the company for violating the agreement. The amount of the job retention credit granted may be equal to up to fifty percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of five years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a job retention project or combination of job retention projects shall be seven hundred fifty thousand dollars per year, but the maximum amount may be increased up to one million dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting the increased limit on behalf of the job retention project. In no event shall the total amount of all tax credits issued for the entire job retention program under this subdivision exceed three million dollars annually. Notwithstanding the above, no tax credits shall be issued for job retention projects approved by the department after August 30, 2013;

(5) Small business job retention and flood survivor relief: a qualified company may receive a tax credit under sections 620.1875 to 620.1890 for the retention of jobs and flood survivor relief in this state for each job retained over a three-year period, provided that:

(a) The qualified company did not receive any state or federal benefits, incentives, or tax relief or abatement in locating its facility in a flood plain;

(b) The qualified company and related companies have fewer than one hundred employees at the time application for the program is made;

(c) The average wage of the qualified company's and related companies' employees must meet or exceed the county average wage;

(d) All of the qualified company's and related companies' facilities are located in this state;

(e) The facilities at the primary business site in this state have been directly damaged by floodwater rising above the level of a five hundred year flood at least two years, but fewer than eight years, prior to the

time application is made;

(f) The qualified company made significant efforts to protect the facilities prior to any impending danger from rising floodwaters;

(g) For each year it receives tax credits under sections 620.1875 to 620.1890, the qualified company and related companies retained, at the company's facilities in this state, at least the level of full-time, year-round employees that existed in the taxable year immediately preceding the year in which application for the program is made; and

(h) In the years it receives tax credits under sections 620.1875 to 620.1890, the company cumulatively invests at least two million dollars in capital improvements in facilities and equipment located at such facilities that are not located within a five hundred year flood plain as designated by the Federal Emergency Management Agency, and amended from time to time. The amount of the small business job retention and flood survivor relief credit granted may be equal to up to one hundred percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of three years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a small business job retention and survivor relief project shall be two hundred fifty thousand dollars per year, but the maximum amount may be increased up to five hundred thousand dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting an increase in the limit on behalf of the small business job retention and flood survivor relief project. In no event shall the total amount of all tax credits issued for the entire small business job retention and flood survivor relief program under this subdivision exceed five hundred thousand dollars annually. Notwithstanding the provisions of this subdivision to the contrary, no tax credits shall be issued for small business job retention and flood survivor relief projects approved by the department after August 30, 2010.

4. The qualified company shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for the benefits of this program. The department may withhold the approval of any benefits until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or new payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the minimum number of new jobs and the average wage exceeds the county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the county average wage and the minimum number of new jobs. In such annual report, if the average wage is below the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of new jobs is below the minimum, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the benefit period. In the case of a qualified company that initially filed a notice of intent and received an approval from the department for high- impact benefits and the minimum number of new jobs in an annual report is below the minimum for high-impact projects, the company shall not receive tax credits for the balance of the benefit period but may continue to retain the withholding taxes if it otherwise meets the requirements of a small and expanding business under this program.

5. **Except as otherwise provided in this subsection,** the maximum calendar year annual tax credits issued for the entire program shall not exceed eighty million dollars. **Beginning January 1, 2012, the**



**maximum calendar year annual tax credits issued for the entire program shall be reduced by fifteen million dollars and shall not exceed sixty-five million dollars. The fifteen million dollar reduction to the maximum calendar year annual tax credits available for issuance for the entire program shall be used for the retention of withholding taxes authorized under section 620.1910.** Notwithstanding any provision of law to the contrary, the maximum annual tax credits authorized under section 135.535, RSMo, are hereby reduced from ten million dollars to eight million dollars, with the balance of two million dollars transferred to this program. There shall be no limit on the amount of withholding taxes that may be retained by approved companies under this program.

6. The department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and the other factors in the determination of benefits of this program. However, the annual issuance of tax credits is subject to the annual verification of the actual new payroll. The allocation of tax credits for the period assigned to a project shall expire if, within two years from the date of commencement of operations, or approval if applicable, the minimum thresholds have not been achieved. The qualified company may retain authorized amounts from the withholding tax under this section once the minimum new jobs thresholds are met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the minimum new jobs thresholds. In the event the qualified company does not meet the minimum new job threshold, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

7. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

8. Tax credits may be claimed against taxes otherwise imposed by chapters 143 and 148, RSMo, and may not be carried forward but shall be claimed within one year of the close of the taxable year for which they were issued, except as provided under subdivision (4) of subsection 3 of this section.

9. Tax credits authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department.

10. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that at issuance credits shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the

amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. Except as provided under subdivision (4) of subsection 3 of this section, the director of revenue shall issue a refund to the qualified company to the extent that the amount of credits allowed in this section exceeds the amount of the qualified company's income tax.

12. An employee of a qualified company will receive full credit for the amount of tax withheld as provided in section 143.211, RSMo.

13. If any provision of sections 620.1875 to 620.1890 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.1875 to 620.1890 are hereby declared severable.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted.

Senator Pearce assumed the Chair.

Senator Engler raised the point of order that **SA 2** is out of order as it exceeds the scope of the Governor’s special session call.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Purgason offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2, Page 7, Section 620.1910, Line 216, by inserting immediately after all of said line the following:

“Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2010, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”; and

Further amend the title accordingly.

Senator Purgason moved that the above amendment be adopted.

Senator Callahan raised the point of order that **SA 3** is out of order as it goes beyond the Governor’s special session call.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Dempsey assumed the Chair.

Senator Callahan assumed the Chair.

Senator Purgason offered **SA 4**, which was read:

## SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2, Page 2, Section 620.1910, Line 41, by inserting immediately after the number “33611” the following:

“, **336212, 336214, 423830, or 423860**”.

Senator Purgason moved that the above amendment be adopted.

Senator Ridgeway raised the point of order that **SA 4** is out of order as it goes beyond the scope of the special session call.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Stouffer assumed the Chair.

Senator Ridgeway moved that **SCS** for **HCS** for **HB 2**, as amended, be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **HCS** for **HB 2**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Callahan	Clemens	Dempsey	Engler	Green	Griesheimer	Justus	Keaveny
Mayer	McKenna	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Shields
Shoemyer	Vogel	Wilson	Wright-Jones—20				

## NAYS—Senators

Barnitz	Champion	Crowell	Goodman	Lager	Purgason	Stouffer—7
---------	----------	---------	---------	-------	----------	------------

## Absent—Senators—None

## Absent with leave—Senators

Bartle	Bray	Cunningham	Days	Lembke	Nodler	Scott—7
--------	------	------------	------	--------	--------	---------

## Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1** as amended. Representatives: Viebrock, Franz, Leara, Burnett, and Roorda.

## **COMMUNICATIONS**

July 12, 2010

Ms. Terry Spieler  
Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler:

I am hereby removing Senator Chuck Purgason from the Senate Standing Committee on Governmental Accountability and Fiscal Oversight. I am appointing myself, Senator Charlie Shields to replace him on the Committee and also am appointing myself Chairman of said Committee, effective immediately.

Please don't hesitate to contact me if you have any questions.

Sincerely,  
/s/ Charlie Shields  
Charlie Shields

## **INTRODUCTIONS OF GUESTS**

Senator Rupp introduced to the Senate, Shawn Gipperich, O'Fallon.

On motion of Senator Engler, the Senate adjourned until 11:15 a.m., Wednesday, July 14, 2010.

## **SENATE CALENDAR**

---

**EIGHTH DAY—WEDNESDAY, JULY 14, 2010**

---

## **FORMAL CALENDAR**

### **THIRD READING OF SENATE BILLS**

SB 1-Crowell, et al (In Fiscal Oversight)

## **INFORMAL CALENDAR**

### **BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES**

In Conference

HCS for HB 1, with SCS, as amended (Crowell)

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**EIGHTH DAY—WEDNESDAY, JULY 14, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“As we have therefore opportunity, let us do good unto all men.” (Galatians 6:10)

Heavenly Father, after a long and tiring night, show us where to best express our concerns and kindness that we might make the best use of our time and energies as we gather once again. And may we do what is necessary in this day to complete our work and prepare to go home. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Pearce	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

Absent—Senators—None

Absent with leave—Senators

Days	Nodler	Purgason	Scott—4
------	--------	----------	---------

Vacancies—None

The Lieutenant Governor was present.

Senator Engler announced that photographers from KOMU-TV, The Associated Press and ABC 17 News were given permission to take pictures in the Senate Chamber today.

### RESOLUTIONS

Senator Lembke offered Senate Resolution No. 60, regarding David Patrick Amelotti, Crestwood, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 2** and has taken up and passed **SCS** for **HCS** for **HB 2**, as amended.

### PRIVILEGED MOTIONS

Senator Crowell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1, with Senate Amendment No. 1, Senate Amendment No. 2, and Senate Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1, be Third Read and Finally Passed.

#### FOR THE HOUSE:

/s/ Jim Viebrock  
/s/ Ward Franz  
/s/ Mike Leara  
John Burnett  
/s/ Jeff Roorda

#### FOR THE SENATE:

/s/ Jason Crowell  
/s/ David Pearce  
/s/ Kevin Engler  
/s/ Timothy P. Green  
/s/ Joseph P. Keaveny

Senator Griesheimer assumed the Chair.

Senator Crowell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey	Engler
Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer	McKenna
Pearce	Ridgeway	Rupp	Schmitt	Shields	Stouffer	Vogel	Wilson

Wright-Jones—25

NAYS—Senators

Barnitz	Bray	Justus	Schaefer	Shoemyer—5
---------	------	--------	----------	------------

Absent—Senators—None

Absent with leave—Senators

Days	Nodler	Purgason	Scott—4
------	--------	----------	---------

Vacancies—None

On motion of Senator Crowell, **CCS** for **SCS** for **HCS** for **HB 1**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1

An Act to amend chapters 104 and 476, RSMo, by adding thereto three new sections relating to retirement.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey	Engler
Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer	McKenna
Pearce	Ridgeway	Rupp	Schmitt	Shields	Stouffer	Vogel	Wilson

Wright-Jones—25

NAYS—Senators

Barnitz	Bray	Justus	Schaefer	Shoemyer—5
---------	------	--------	----------	------------

Absent—Senators—None

Absent with leave—Senators

Days	Nodler	Purgason	Scott—4
------	--------	----------	---------

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

On motion of Senator Engler, the Senate recessed until 1:05 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Shields.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 1** and **SCS** for **HCS** for **HB 2**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Shields, the Senate of the First Extraordinary Session of the Second Regular Session of the 95th General Assembly adjourned sine die, pursuant to the Constitution.

PETER KINDER  
Lieutenant Governor

TERRY L. SPIELER  
Secretary of Senate

✓



# Journal of the Senate

## NINETY-FIFTH GENERAL ASSEMBLY

### OF THE

### STATE OF MISSOURI

### SECOND REGULAR SESSION

### VETO SESSION

---

**WEDNESDAY, SEPTEMBER 15, 2010**

---

The Senate was called to order in Veto Session by Lieutenant Governor Peter Kinder.

Reverend Carl Gauck offered the following prayer:

“I give thanks to the Lord with my whole heart; I will tell of all your wonderful deeds.” (Psalm 9:1)

Gracious God, we return to fulfill our constitutional requirements and do so gladly. But we come together with mixed feelings. For some of us it is our last time together and we will miss the collegiality and friendships we have developed here. We will miss the work of public service and wonder where we may be able to do so again. Yet we are thankful for all You have led us to accomplish and are most grateful to have done so. For some of us we say goodbye to colleagues even though we will miss them we also look forward to the work You will have us do at our next session. We all give thanks for the leadership You have raised up to guide our time here and for the staff who has given so fully of their time and energy. So we are truly thankful to You to be here this day and we will rejoice in it. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Engler offered the following resolution, which was read and adopted:

**SENATE RESOLUTION NO. 1**

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

Senator Engler offered the following resolution, which was read and adopted:

**SENATE RESOLUTION NO. 2**

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-fifth General Assembly, Second Regular Session, be declared to be the rules of the Veto Session of the Ninety-fifth General Assembly.

**COMMUNICATIONS FROM THE GOVERNOR**

The following communication, regarding vetoed Senate Bills, was received by the Secretary of State, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
July 14, 2010

**TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI**

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777 entitled:

**AN ACT**

To repeal sections 339.503, 362.111, 375.1152, 375.1155, 375.1255, 408.052, 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof twelve new sections relating to the sale of certain financial products and plans associated with certain loan transactions, with penalty provisions for a certain section.

I disapprove of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777. My reasons for disapproval are as follows:

House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777, in sections 408.052.4 and 408.140.1(12), RSMo, facilitates consumer borrowing to purchase service contracts, products of often questionable value in a market with an active history of consumer deception and confusion. Permitting expansion of the sale of these products in this manner will be harmful to Missourians.

Missouri consumers have complained loudly about the sale of these products, spurring the Missouri Attorney General to initiate an investigative task force. Deceptive practices employed by this industry were also the focus of a multi-state investigation by state attorneys general and consumer fraud litigation into the sale and marketing of these products has been initiated in Missouri and nationwide. Permitting more readily available financing for these dubious products is not good for Missouri consumers.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Senator Engler moved that the Senate proceed to the order of business, Vetoed Bills, and that the

calendar be called, which motion prevailed.

**HCS** for **SCS** for **SB 777** was called thereafter and no motion was taken thereon.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

#### HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2010 Constitutional Veto Session and ready for consideration of business.

### RESOLUTIONS

Senator Engler offered the following resolution, which was read and adopted:

#### SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's veto of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777 when the bill was so called by the President.

Senator Lembke offered Senate Resolution No. 4, regarding Kyle Mathew Horstmann, which was adopted.

Senator Vogel offered Senate Resolution No. 5, regarding David R. Wallace, Jefferson City, which was adopted.

Senator Lager offered Senate Resolution No. 6, regarding Bette Williams, Oregon, which was adopted.

On motion of Senator Engler, the Senate recessed until 1:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Shields.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

#### HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **HB 1741**, **SCS** for **HCS** for **HB 1831**, **CCS** for **SCS** for **HCS** for **HB 2007** and **SS** for **SCS** for **HB 2317** when the bills were called by the Speaker.

### COMMUNICATIONS

President Pro Tem Shields submitted the following:

September 14, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Missouri Statute RSMO 173.705, I am resigning and appointing Senator David Pearce to fill my vacancy on the Midwestern Higher Education Commission.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields  
Charles W. Shields

Also,

September 15, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Missouri Statute RSMO 21.910, I am appointing the following Senators to the Joint Committee on the Reduction and Reorganization of Programs within State Government:

Senator Bill Stouffer  
Senator Rob Mayer  
Senator Jane Cunningham

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields  
Charles W. Shields

Also,

September 15, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Missouri Statute RSMO 21.801, I am appointing the following Senators to the Joint Committee on Urban Farming:

Senator Dan Clemens  
Senator Jim Lembke  
Senator Kurt Schaefer

*Wednesday, September 15, 2010*

5

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields

Charles W. Shields

Also,

September 15, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

In accordance with truly agreed and finally passed HB 1965 from the Second Regular Session of the 95th Missouri General Assembly, I am appointing the following Senators to the Joint Committee on Missouri's Promise:

Senator David Pearce  
Senator Tom Dempsey  
Senator Eric Schmitt

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields

Charles W. Shields

Also,

September 15, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

In accordance with truly agreed and finally passed SCR 54 from the Second Regular Session of the 95th Missouri General Assembly, I am appointing the following Senators to the Joint Interim Committee on Reducing the Size of State Government:

Senator Chuck Purgason  
Senator Scott Rupp  
Senator Jack Goodman  
Senator Jason Crowell

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields

Charles W. Shields

Also,

September 15, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Missouri Statute RSMO 21.910, I am appointing the following Senators to the Joint Committee on the Reduction and Reorganization of Programs within State Government:

Senator Joan Bray  
Senator Tim Green

If you have any questions, please do not hesitate to contact me.

Sincerely,  
/s/ Charlie Shields  
Charles W. Shields

Also,

September 15, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Missouri Statute RSMO 21.801, I am appointing the following Senators to the Joint Committee on Missouri's Promise:

Senator Jolie Justus  
Senator Joe Keaveny

If you have any questions, please do not hesitate to contact me.

Sincerely,  
/s/ Charlie Shields  
Charles W. Shields

Senator Callahan submitted the following:

September 15, 2010

Terry Spieler – Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

***RE: Committee appointments***

Dear Ms. Spieler:

Pursuant to the provisions section 21.801 RSMo, I hereby make the following appointments to the Joint Committee on Urban Farming:

Senator Rita Days  
Senator Jolie Justus

Also, pursuant to the provisions of Senate Concurrent Resolution 54, I hereby make the following appointments to the Joint Interim Committee

*Wednesday, September 15, 2010*

7

on Reducing the Size of State Government:

Senator Joan Bray

Senator Tim Green

Senator Yvonne Wilson

If there are any questions regarding these appointments, please do not hesitate to contact my office.

Sincerely,

/s/ Victor Callahan

Victor Callahan

On motion of Senator Engler, the Senate of the Veto Session of the Second Regular Session of the 95th General Assembly adjourned sine die, pursuant to the Constitution.

PETER D. KINDER

Lieutenant Governor

TERRY L. SPIELER

Secretary of Senate

✓